

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL MISC. PETITION NO. 6179/2016

IN

CRIMINAL APPEAL NO(s). 397 OF 2016

(Arising out of S.L.P. (CRL) No. 3117 of 2015)

TARA PRASAD

... APPELLANT(S)

VERSUS

CENTRAL BUREAU OF INVESTIGATION

...RESPONDENT(S)

O R D E R

Heard learned counsel for the parties.

Although, the Criminal Misc. Petition for grant of bail in S.L.P. (Crl.) No. 3117/2015 was listed today, by the consent of the learned counsel appearing for the parties, the main matter was also taken up for hearing.

Notice was issued on 24.04.2015 by this Court only on the quantum of sentence.

Leave granted.

The appellant was awarded sentence for one year R.I. and fine of Rs. 1,000/- for the offence punishable under Section 7 of the Prevention of Corruption Act and sentence for two years R.I. and fine of Rs. 2,000/- for the offence punishable under Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, with default clause, by the trial court and the same

were confirmed by the High Court.

Regard being had to the peculiar facts and circumstances of the case that the appellant is the sole earning member of the family who has already lost his job and presently undergoing the sentence awarded to him and taking into consideration all these aspects, we feel that it is a fit case for exercising our discretion by reducing the sentence from two years to one year and six months only. Accordingly, while upholding the conviction and fine, we modify the operative portion of the impugned judgment and order and reduce the sentence to one year and 6 months.

With the aforesaid modification in the sentence, the appeal is partly allowed. Consequently, the Criminal Misc. Petition stands disposed of.

.....J.  
(V. GOPALA GOWDA)

.....J.  
(ARUN MISHRA)

NEW DELHI,  
APRIL 26, 2016

ITEM NO.601

COURT NO.9

SECTION IIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CRLMP. 6179/2016 in

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3117/2015

(Arising out of impugned final judgment and order dated 27/02/2015 in CRLAP No. 822/2013 passed by the High Court of Jharkhand at Ranchi)

TARA PRASAD

Petitioner(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION  
(For bail and office report)

Respondent(s)

Date : 26/04/2016 This application was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE V. GOPALA GOWDA  
HON'BLE MR. JUSTICE ARUN MISHRA

For Petitioner(s) Mr. Gaurav Agrawal, Adv.

For Respondent(s) Mr. R. Bala, Adv.  
Mr. Kumar Parimal, Adv.  
Mr. Mukul Singh, Adv.  
Mr. M.P. Gupta, Adv.  
Mr. B. V. Balaram Das, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Taken on Board.

Heard.

Leave granted.

The appeal is partly allowed in terms of the signed order. Consequently, the Criminal Misc. Petition stands disposed of.

(S. K. RAKHEJA)  
COURT MASTER

(MALA KUMARI SHARMA)  
COURT MASTER

(Signed order is placed on the file)