

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 715 OF 2019
[@ SPECIAL LEAVE PETITION (CRL.) NO. 3722 OF 2019]
[DIARY NO. 2393 OF 2019]

SAHUBARDEEN

Appellant (s)

VERSUS

STATE REP. BY ITS
DEPUTY SUPERINTENDENT OF POLICE

Respondent(s)

O R D E R

Delay condoned. Leave granted.

This appeal has been filed against the impugned Judgment and Order dated 29.08.2018 passed by the High Court of Judicature of Madras, Bench at Madurai, in Criminal Appeal (MD) No. 482 of 2007, whereby the High Court has affirmed the order of conviction of the appellant under Sections 7 and 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 passed by the trial court.

It is the case of the prosecution that the appellant, being the Joint Sub-Registrar at Tirunelveli, had demanded bribe from PW2, on which PW2 had given a written complaint to the Deputy Superintendent of Police, Vigilance and Anti-Corruption, Tirunelveli. A trap was organised and a phenolphthalein test was conducted. On 22.08.1999, while receiving the bribe of Rs. 500/- and Rs. 150/-,

the appellant was arrested. On 05.12.2005, the trial court framed charges against the appellant and by Judgment and Order dated 04.09.2007, convicted the appellant under Sections 7 and 13(2) read with Section 13(1)(d) of the Prevention and Corruption Act and sentenced him to undergo rigorous imprisonment for three years under Section 7 and further three years under Section 13(2) of the Act. Both the sentences to run concurrently.

Aggrieved by the order of the trial court, the appellant preferred a criminal appeal, being Criminal Appeal (MD) No. 482 of 2007, before the High Court. By way of impugned Judgment and Order dated 29.08.2018, the High Court has dismissed the appeal. Aggrieved thereby, the appellant is before this Court, by way of special leave.

We have heard the learned counsel for both the sides and have perused the material on record.

The only question raised is that at the relevant time, the minimum sentence was one year under Section 13 and six months under Section 7. Considering the facts and circumstances of the case, we reduce the sentence of the appellant from three years to 1 ½ years.

In case the appellant has already served out the sentence of 1½ years, he shall be released forthwith, otherwise he shall be released only on completion of

the stipulated period.

In view of the above, the appeal is allowed.

.....J.
[ARUN MISHRA]

.....J.
[NAVIN SINHA]

New Delhi;
April 22, 2019.

ITEM NO.43

COURT NO.4

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 2393/2019

(Arising out of impugned final judgment and order dated 29-08-2018 in CRLA No. 482/2007 passed by the High Court Of Judicature At Madras At Madurai)

SAHUBARDEEN

Petitioner(s)

VERSUS

**STATE REP. BY ITS
DEPUTY SUPERINTENDENT OF POLICE**

Respondent(s)

(FOR ADMISSION and I.R. and IA No.17490/2019-CONDONATION OF DELAY IN FILING and IA No.17492/2019-EXEMPTION FROM FILING O.T. and IA No.17494/2019-PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ ANNEXURES)

Date : 22-04-2019 This matter was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE NAVIN SINHA**

**For Petitioner(s) Mr. Aniruddha P. Mayee, AOR
Mr. A. Selvin Raja, Adv.
Mr. Chirag Jain, Adv.**

**For Respondent(s) Mr. M. Yogesh Kanna, AOR
Mr. S. Partha Sarathi, Adv.
Mr. S. Raja Rajeshwaran, Adv.**

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed of.

**(JAYANT KUMAR ARORA)
COURT MASTER**

**(ANITA RANI AHUJA)
COURT MASTER**

(Signed order is placed on the file)

