

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 487 OF 2017

K. P. YOGESH

APPELLANT(S)

VERSUS

**THE DEPUTY SUPERINTENDENT,
VIGILANCE AND ANTI CORRUPTION BUREAU,
KANNUR & ANR.**

RESPONDENT(S)

O R D E R

1. The present appeal has been filed by the appellant against the concurrent judgments rendered by the Trial Court as well as the High Court, rendering a conviction qua the appellant under Sections 7 and 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 (for

short, 'the Act').

2. The case against the appellant is that he demanded a bribe of Rs.2,200/- from PW-1, the complainant for issuing a non-fertility certificate for a cow belonging to complainant's father. The aforesaid demand is for the purpose of enabling the complainant's father to claim insurance on the premise that the cow would be incapable of conceiving. Pursuant to the complaint, a trap was laid and the appellant was caught red handed.
3. Though learned counsel appearing for the appellant made submissions on merits, we are not inclined to interfere with the same as both the Courts have concurrently held that the charges made against the appellant have been proved. This is a case of a trap having been set up by following the due procedure, in the presence of witnesses. Thus, the conviction rendered by both the Courts stands confirmed.
4. That leaves us to the question of sentence alone.
5. Learned counsel appearing for the appellant submitted that the occurrence was of the year 2000 and the appellant has already been removed from service. He is a veterinary Surgeon, having certain medical ailments.
6. Considering the aforesaid mitigating circumstances, we are inclined to invoke our jurisdiction under Article 142 of

the Constitution of India, by modifying the sentence to the one already undergone.

7. The appeal is allowed in part.

8. Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[RAJESH BINDAL]

NEW DELHI
30th JANUARY, 2025

ITEM NO.108

COURT NO.9

SECTION II-B

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

Criminal Appeal No(s). 487/2017

K. P. YOGESH

Appellant(s)

VERSUS

THE DEPUTY SUPERINTENDENT,
VIGILANCE AND ANTI CORRUPTION BUREAU,
KANNUR & ANR.

Respondent(s)

Date : 30-01-2025 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE RAJESH BINDAL

For Appellant(s) Mr. Raghenth Basant, Sr. Adv.
Mr. A. Karthik, AOR
Ms. Smrithi Suresh, Adv.
Ms. Hima Bhardwaj, Adv.
Ms. Kaushitaki Sharma, Adv.
Mr. Sugam Agrawal, Adv.

For Respondent(s) Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Santhosh K, Adv.

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

The appeals are allowed in part in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
ASSISTANT REGISTRAR

(Signed order is placed on the file)