

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1466/2017

H.P. VENKATESH Appellant(s)

VERSUS

STATE OF KARNATAKA Respondent(s)

WITH
CrI.A. No. 1467/2017

O R D E R

We have heard learned senior counsel appearing for the appellants, as well as the learned counsel appearing for the respondent.

The appellants have been charged and subsequently convicted for the offences punishable under Sections 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988.

The case against the appellants, in a nutshell, is that a trap was set up pursuant to a demand made by the accused and, thereafter, the money was recovered from them. The vehicle belonging to the complainant was seized on the prior date, and pursuant to the negotiations made, a sum of Rs.8,000/- was demanded and paid.

Mr. R. Basant, learned senior counsel appearing for the appellant vehemently contended that Exhibits P/9 and P/10 have not been taken into consideration

by the Courts. All the material witnesses have deposed in favour of the appellants.

On a perusal of the impugned judgment, which was also confirmed by the High Court, we find that the aforesaid two documents have been duly considered by both the Courts. It is a trap case, where the accused were caught receiving the money from the complainant at a place other than the office. There was no enquiry conducted even at the time of the seizure being conducted nor when the final order was passed.

It is rather surprising to note that the receipt was made available simultaneously at the time of seizure. We are dealing with a trap case where the receipt is not in dispute as the phenolphthalein test aptly proved the same. In such view of the matter, we are inclined to confirm the conviction rendered.

The remaining issue is with respect to the quantum of sentence rendered.

Though the learned counsel for the State submits that the statutory prescription would not allow for modification of the sentence, we are inclined to do so by taking into consideration the mitigating circumstances as both the appellants have crossed the age of 60 years, keeping in mind that the occurrence took place in the year 2007, and that they have also been dismissed from the service.

Taking the aforesaid circumstances into consideration, we modify the sentence to a period of 15 days of imprisonment for both the appellants, in the peculiar circumstances of the case, in exercise of our powers under Article 142 of the Constitution of India.

The appeals are allowed, accordingly, in part.

A period of four weeks is granted to the appellants to surrender in order to serve the sentence.

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

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

.....J.
[RAJESH BINDAL]

NEW DELHI;
JANUARY 23, 2025.

ITEM NO.104

COURT NO.9

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

Criminal Appeal No(s). 1466/2017

H.P. VENKATESH

Appellant(s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

IA No. 207/2016 - EXEMPTION FROM FILING O.T.

IA No. 206/2016 - PERMISSION TO FILE ANNEXURES

WITH

Cr1.A. No. 1467/2017 (II-C)

IA No. 14053/2015 - EXEMPTION FROM FILING O.T.

IA No. 14052/2015 - PERMISSION TO FILE ANNEXURES

Date : 23-01-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH

HON'BLE MR. JUSTICE RAJESH BINDAL

For Appellant(s) :

Mr. Sanjay Jain, AOR
 Ms. Ruchika Bhan, Adv.

Mr. R. Basant, Sr. Adv.
 Mr. Shekhar G Devasa, Sr. Adv.
 Mr. Manish Tiwari, Adv.
 Mr. Pawan Shyam, Adv.
 Ms. Thashmitha Muthanna, Adv.
 Mr. Shashi Bhushan Nagar, Adv.
 Mr. Vishwanath Chaturvedi, Adv.
 For M/S. Devasa & Co., AOR

For Respondent(s) : Mr. D. L. Chidananda, AOR

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.

(ASHA SUNDRIYAL)
DY. REGISTRAR

(POONAM VAID)
ASSISTANT REGISTRAR
(signed order is placed on the file)