

**Tasi Phunchog vs. CBI**

**Cr. Appeal No.424 of 2023**

**21.12.2023 Present:** Mr. Sambhav Bhasin, Advocate, for the appellant.  
Mr. A.K. Bansal, Advocate, for the respondent/CBI.

**Cr.MP No.3532 of 2023**

The present application has been filed under Section 389 of the Code of Criminal Procedure (Cr.P.C.) for suspension of sentence during pendency of the present appeal.

I have heard the learned counsel for the parties and also gone through the material available on record. Vide judgment of conviction dated 23.07.2022 and order of sentence dated 03.08.2022, passed by the learned Special Judge, (CBI), Shimla, District Shimla, H.P., the present applicant-appellant has been convicted as under:

- i) For commission of the offences punishable under Sections 13(1)(d) of the Prevention of Corruption Act, 1988, punishable under Section 13(2) read with Section 120-B of IPC and sentenced to under rigorous imprisonment for a period of three years and to pay a fine of Rs.60,000/- and in case of default of payment of fine, to further undergo rigorous imprisonment for a term of six months;
- ii) to undergo rigorous imprisonment for a period of three years and a fine of Rs.10,000/- for commission of the offence punishable under Section 420 of IPC read with Section 120-B of IPC and in case of default of payment of fine, to further undergo rigorous imprisonment for a term of six months;
- iii) to undergo rigorous imprisonment for a period of three years and a fine of Rs.10,000/- for the

commission of offence under Section 467 of IPC read with Section 120-B of IPC and in case of default of payment of fine, to further undergo rigorous imprisonment for a term of six months;

iv) to undergo rigorous imprisonment for a period of three years and a fine of Rs.10,000/- for the commission of offence under Section 468 of IPC read with Section 120-B and in case of default of payment of fine, to further undergo rigorous imprisonment for a term of six months and;

(v) to undergo rigorous imprisonment for a period of one year and a fine of Rs.10,000/- for the commission of offence under Section 471 of IPC read with Section 120-B of IPC and in case of default of payment of fine, to further undergo rigorous imprisonment for a term of six months.

Keeping in view the fact that the main appeal stands admitted for hearing, it is ordered that the substantive sentence imposed upon the applicant-appellant, vide judgment of conviction dated 23.07.2022 and order of sentence dated 03.08.2022, passed by the learned Special Judge, (CBI), Shimla, District Shimla, H.P., shall remain suspended, till final disposal of the appeal, however, subject to the applicant's furnishing personal bond in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of learned trial Court and also depositing the fine amount, if not already deposited, within a period of four weeks from today, undertaking therein to appear in the Court as and when directed and in the event of the dismissal of the appeal, the applicant will surrender before the Court to undergo sentence, if any, imposed by the Court.

The application stands disposed of.

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Since the appeal already stands admitted,  
therefore, list for final hearing in due course.

**( Sushil Kukreja )  
Judge**

**21<sup>st</sup> December, 2023**  
(reena)