

ITEM NO.43

COURT NO.2

SECTION IIA

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

I N D I A

Petition(s) for Special Leave to Appeal (CrI.)

No(s). 9052/2014

(Arising out of impugned final judgment and order dated 22/08/2014  
in CRLA No. 867/2002 passed by the High Court Of M.p At Indore)

BHARAT SINGH RAJPUT

Petitioner(s)

VERSUS

STATE OF M.P

Respondent(s)

(with appln. (s) for bail and permission to file additional  
documents and office report)

Date : 09/02/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

For Petitioner(s)

Mr. Anil Khare, Sr. Adv.  
MR.Arjun Garg, Adv.  
Mr.Abhinay, Adv.  
Mr. Jasneet Singh, Adv.  
MS. Namrata Keshwani, Adv.  
Mr.Anurag Tripathi, Adv.  
M/s. Parekh & Co.,Adv.

For Respondent(s)

Mr. C.D.Singh, Adv.  
MS. Sakshi Kakkar, Adv.  
Mr. Sandapan Pathak, Adv.UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in part and dispoed of  
in terms of the signed order.

Signature Not Verified

Digitally signed by

Shashi Sareen

Date: 2015.02.18

06:02:25 IST

Reason:

(Shashi Sareen)  
Court Master(Veena Khera)  
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTIONCRIMINAL APPEAL No. 255 OF 2015  
(Arising out of SLP(CrI.) No. 9052 of 2014)BHARAT SINGH RAJPUT  
(s)

... Appellant

Versus

STATE OF M.P.  
t(s)

...

Responden

O R D E R

Leave granted.

This appeal arises out of an order dated 22/8/2014 passed by the High Court of Madhya Pradesh whereby Criminal Appeal No. 867 of 2002 filed by the appellant herein against his conviction for an offence punishable under Section 13(1)(e) read with Section 13(2) of the Prevention of Corruption Act, 1988 has been dismissed.

We have heard learned counsel for the parties at some length who have taken us through the judgments passed by the courts below. The Trial Court as also the High Court have on a detailed appraisal of the evidence adduced by the prosecution come to the conclusion that the appellant herein was indeed guilty of acquiring assets disproportionate to his known sources of income hence

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punishable under Section 13(1)(e) of the Act aforementioned. There is, in our opinion, no error much less any perversity in the appreciation of the said evidence by the courts below to warrant interference in exercise of our extraordinary powers under Article 136 of the Constitution.

Having said that we are of the view that the sentence of three years rigorous imprisonment awarded to the appellant with a fine amount of Rs.4,00,000/- and a default sentence of rigorous imprisonment for a period of one and half years is harsher than what is called for in the facts and circumstances of the case.

Apart from the

fact that the assets acquired by the appellant were

disproportionate to his known sources of income by Rupees two and a half lakhs only, we find that the appellant is nearly 71 years of age presently undergoing the sentence awarded to him. The trial appears to have started as early as in the year 1998 to conclude in the year 2002 with the appeal in the High Court taking another 12 years for disposal. In the totality of these circumstances we are inclined to reduce the sentence awarded to the appellant to a period of one year. The sentence of fine imposed upon the appellant by the courts below shall, however, remain unaltered but the default sentence for non-payment of fine shall stand reduced to a period of six months only.

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With the above modification this appeal is allowed in part and disposed of.

.....J.  
(T.S.THAKUR)

.....J.  
(ADARSH KUMAR GOEL)

New Delhi,  
February 09, 2015.