
(2020) 06 MP CK 0019
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 8 Of 2020

Ramlal Malviya

APPELLANT

Vs

Special Police Establishment

RESPONDENT

Date of Decision : 23-06-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Prevention Of Corruption Act, 1988 — Section 13(1)(D), 13(2)

Citation : (2020) 06 MP CK 0019

Hon'ble Judges : S. C. Sharma, J

Bench : Single Bench

Advocate : Ravi Arora, Vaibhav Jain

Judgement

Heard on I.A. No.3423/2020, which is first application under Section 389 (1) of the Code of Criminal Procedure, 1973 for suspension of jail sentence and grant of bail filed on behalf of appellant - Ramlal Malviya S/o Bhuwanlal Malviya.

The present appellant has been convicted under Section 13(1)(D) / 13(2) of the Prevention of Corruption Act, 1988 and has been sentenced to undergo 4 years' rigorous imprisonment along with fine of Rs.7,000/- and with default clause to further undergo 2 months' rigorous imprisonment in case of non-payment of fine.

Learned counsel for the appellant has argued before this Court that the present appellant is aged about 64 years, he is in jail since 20.12.2019 and he is not well, as the jails are overcrowded on account of pandemic COVID - 19. He has also argued that the trial Court has erroneously convicted the present appellant. He has drawn the attention of this Court towards omissions and contractions in the statement of the prosecution witnesses and has argued that it is a clear case of acquittal.

On the other hand, learned counsel for the respondent has opposed the prayer for suspension of sentence and he has stated that the present appellant was caught red-handed in accepting bribe of Rs.10,000/-. He has read out the

relevant paragraphs of the judgment.

This Court, after careful consideration of ground raised in the present appeal and also the judgment passed by the trial Court, is of the considered opinion that the application for suspension of jail sentence (I.A. No.3423/2020) deserves to allowed and is accordingly, allowed.

It is directed that on production of personal bond for Rs.1,00,000/- (Rupees One Lakh Only) and one solvent surety of the like amount to the satisfaction of the trial Court and also on payment of fine, the appellant shall be released on bail for his appearance before the Registry of this Court on 14.12.2020, and thereafter, on each subsequent dates as may be fixed by the Registry of this Court in this behalf.

It is needless to mention that in case, certified copy is not available due to some technical reason, the order uploaded on the website of the High Court shall be treated as certified copy for all purposes and the counsel shall be free to obtain certified copy later on as and when facilities are made available to him.