

Arun Kumar vs The State Of Punjab on 9 January, 2020

Bench: Sanjay Kishan Kaul, K.M. Joseph

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.35 OF 2020
(Arising out of S.L.P.(Criminal)No.7499 of 2016)

ARUN KUMAR

...Appellant

Vs.

STATE OF PUNJAB & ANR.

...Respondent

O R D E R

1. Leave granted.

2. None for the appellant.

3. One Sukhwinder Singh purchased a plot and mutation is stated to have been carried out. However, when Sukhwinder Singh went to the office of the Sukhwant Singh, Patwari with the photo copy of the sale deed to ask for mutation, it was alleged that illegal gratification of Rs.1,500/- was demanded. The amount is stated to have been negotiated to Rs.1,200/- but Sukhwinder Singh complained to the D.S.P. Vigilance Bureau to register an FIR and arranged a trap. Sukhwant Singh was arrested along with one Arun Kumar(appellant herein) allegedly apprehended red handed and proceedings were commenced under Sections 7, 13(1)(d) read with 13(2) of the Prevention of Corruption Act, 1988 (for short "The Act") against Sukhwant Singh whereas charge under Section 9 of the said Act was framed against the appellant herein.

4. The Additional Sessions Judge, Jalandhar convicted both the accused specifically taking note of the fact that mutation of land had already been sanctioned on 24th November, 2006.

5. On conviction an appeal was filed before the Punjab & Haryana High Court which upheld the judgment of the Trial Court. Sukhwant Singh was sentenced to RI for one year with the fine of Rs.2,500/- under Sections 7 and 13(2) of the said Act while the appellant before us was charged under Section 9 of the said Act and sentenced to RI for one year with a fine of Rs.2,500/-.

6. In the additional documents filed on record by the appellant is judgment of this Court in Criminal Appeal No.603 of 2006 filed by Sukhwant Singh where a benefit of doubt has been given to the appellant therein and the conviction has been set aside in terms of the judgment of this Court dated

11th July, 2016.

7. The factual position is that the appellant before us was not a government servant and was thus convicted with the aid of Section 9 of the said Act. It appears that his presence on the occasion was stated to have been on account of the fact that he has himself come for some jamabandi relating to his own land.

8. On hearing learned counsel for the respondent-State, in view of the judgment in respect of the co-accused Sukhwant Singh and the limited role alleged against the appellant, the only result which can follow is that the appellant must also get the benefit of doubt and consequently the conviction has to be set aside.

9. The appellant is stated to be on bail and thus the bail bonds are discharged. The appeal is accordingly disposed of.

.....J. [SANJAY KISHAN KAUL]J. [K.M.JOSEPH] New Delhi;

January 9, 2020.

ITEM NO.17

COURT NO.11

SECTION II-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 7499/2016

(Arising out of impugned final judgment and order dated 14-10-2015 in CRLA No. 70/2010 passed by the High Court of Punjab & Haryana at Chandigarh) ARUN KUMAR Petitioner(s) VERSUS STATE OF PUNJAB & ANR. Respondent(s) Date : 09-01-2020 This petition was called on for hearing today. CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL HON'BLE MR. JUSTICE K.M. JOSEPH For Petitioner(s) Mr. Deepak Goel, AOR (Not present) For Respondent(s) Ms. Jaspreet Gogia, AOR Ms. Mandakini Singh, Adv.

UPON hearing the counsel the Court made the following O R D E R Heard learned counsel for the respondent. Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application, if any, shall also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER

(Signed order is placed on the file.)