

IBS Uppal Vs. CBI

Crl.A. No. 2532 of 2014 (Arising out of SLP(Crl.) No. 7975 of 2014)

Decided On, 05 December 2014

Supreme Court of India

By, THE HONOURABLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA & THE HONOURABLE MR. JUSTICE N.V. RAMANA

1. Leave granted

2. This appeal has been preferred by the appellant against the order dated 28th August, 2014 passed by the High Court of Delhi in Criminal M.B. No.1065 of 2014 in Criminal Appeal No.1563/2013. By the impugned order, the High Court refused to suspend the sentence and enlarge the appellant on bail.

3. The learned counsel appearing on behalf of the appellant submits that the appellant has been convicted for the offence under Section 120-B read with 420 IPC, sections 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 (hereinafter referred to as the 'P.C. Act'), substantive offence punishable under section 420 IPC (on two counts) as well as for offence punishable under section 420/511 of IPC.

4. He has been sentenced for four years for the offence under Sections 120-B IPC r/w 420 IPC and Section 13(2) r/w Section 13(1) (d) of P.C. Act, four years also for both the charges under section 420 IPC and one year for the offence punishable under section 420/511 IPC. The Trial Court directed the sentences to run concurrently.

5. Learned counsel for the appellant submitted that out of four years the appellant is already in custody about one year and seven months. There is no likelihood of hearing of the appeal in near future.

6. The learned counsel appearing on behalf of respondent-CBI opposed the prayer on the ground that appellant operated as a fictitious person Anil Kumar Rane who allegedly raised bogus bills and received payments. It is further alleged that appellant had submitted 20 forged bills against supply of material (which was not actually supplied) to Ministry of Defence. Against these 20 forged bills, 19 cheques amounting to L 7,74,90,465/- were issued by the CDA (Headquarter) in the name of 3 firms, namely, Shri Krishna Enterprises, Rishi Enterprises and Venkateswara Enterprises. The 20th cheque of L 32,04,985/- could not be issued due to some discrepancies noticed by the department. The said amount was credited in the bank accounts of three firms which were opened by the appellant in the name of Anil Rane.

7. We have heard the learned counsel for the parties and perused the record. Taking into consideration the facts of the case, we direct that during the pendency of the appeal before the High Court sentence passed in Corruption Case No.21/01 (RC No.1(A)/98/CBI/ACUI/ND) shall remain

suspended insofar as it relates to appellant IBS Uppal and he is enlarged on bail subject to furnishing bail bonds for the sum of Rs. 50000 (Rupees fifty thousand only) with two solvent sureties for the like amount to the satisfaction of the trial court...

8 The appeal stands disposed of ..