

Rasheed Masood Vs. Cbi

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Court : Delhi

Decided On : Nov-14-2014

Judge : Sunita Gupta

Appellant : Rasheed Masood

Respondent : Cbi

Judgement :

* IN THE HIGH COURT OF DELHI AT NEW DELHI Date of Decision:

14. 11.2014 + CRL.A. 1325/2013 RASHEED MASOOD Through Appellant Mr. Ramesh Gupta, Sr. Advocate with Mr. Asgar Khan and Mr. Rajiv Saxena, Advocates versus CBI Through + CRL.A. 1326/2013 RASHEED MASOOD Through Respondent Mr. Sanjeev Bhandari, Standing counsel for CBI Appellant Mr. Ramesh Gupta, Sr. Advocate with Mr. Asgar Khan and Mr. Rajiv Saxena, Advocates versus CBI Through + CRL.A. 1329/2013 RASHEED MASOOD Through Respondent Mr. Sanjeev Bhandari, Standing counsel for CBI Appellant Mr. Ramesh Gupta, Sr. Advocate with Mr. Asgar Khan and Mr. Rajiv Saxena, Advocates versus CBI Through Respondent Mr. Sanjeev Bhandari, Standing counsel for CBI CORAM: HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

: SUNITA GUPTA, J.

Crl. M.B. No.10353/2014 in CRL.A. 1325/2013 Crl. M.B. No.10352/2014 in CRL.A. 1326/2013 & Crl. M.B. No.10349/2014 in CRL.A. 1329/2013 1. The appellant - Rasheed Masood seeks suspension of sentence and release on bail during pendency of present appeals whereby he has been convicted for offence under Section 120B read with Section 420/468 of Indian Penal Code and Section 13(2) read with Section 13 (1)(d) of Prevention of Corruption Act.

2. It is submitted by Mr. Ramesh Gupta, learned senior counsel for the appellant that the conviction of the appellant is bad in law as the prosecution failed to prove any involvement of the appellant in the admission of the students in Medical College. It is the case of the prosecution itself that the nominations were signed by the co-accused Gurdial Singh. Although it was alleged that it was done at the instance of the appellant, but no such evidence was brought on record. The appellant is 68 years of age and is suffering from various ailments which fact is apparent from his medical record submitted by the Jail Superintendent. It was further submitted that even the incriminating evidence was not put to the appellant while recording his statement under Section 313 of Code of Criminal Procedure and, therefore, the same cannot be read in evidence against him. Due to his medical condition, he was earlier granted interim bail which was never misused by him. As such, during pendency of appeal, the appellant be released on bail.

3. The application is opposed by Mr. Sanjeev Bhandari, learned Standing Counsel for CBI on the ground that the appellant was working as Minister of State for Health and Family Welfare, Government of India. The appellant was interested in procuring admissions of three non-eligible candidates, namely, Adnan Masood, Sandeep Pawar and Sachidanand Dwivedi in preference to eligible candidates. Coaccused Adnan Masood is also a nephew of the appellant. In pursuance to conspiracy hatched by him with co-accused and by abusing his official position as Minister and Head of Department, Government of India by resorting to corrupt and dishonest means, he was able to obtain valuable things in the form of nomination letter for non-eligible candidates for admission in MBBS Course and the deserving students of State of Tripura were fraudulently denied of their due entitlement in the Medical/Dental College. As such, it was submitted that on merits, there is no ground for suspending the sentence of the appellant. As regards medical grounds,

it was submitted that his illness is being taken care of by the Superintendent Jail.

4. Without expressing any opinion on the merit of the case, lest it would adversely affect the final outcome of the appeal, needless to say the allegations against the appellant are very serious in nature inasmuch as the genuine candidates were deprived of the medical seats because of the appellant in conspiracy with coaccused.

5. As regards the medical ground of the appellant is concerned, a perusal of the report submitted by the Medical Officer of Central Jail reflects that the appellant is provided with all prescribed medication and regular treatment is being provided to him. A Medical Board has been constituted at AIIMS and from time to time, the appellant is being examined and the case has been reviewed time and again. Moreover, it will be open to the Superintendent Jail to provide the medical facilities as required and in case of need, the appellant will be at liberty to move appropriate application on medical grounds, but keeping in view the grave and serious allegations, the sentence is not liable to be suspended till the disposal of the appeal as prayed for. The applications are accordingly dismissed. (SUNITA GUPTA) JUDGE NOVEMBER14 2014/rd

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