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Sheel Kumar Vs. State

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SooperKanoon Citation : sooperkanoon.com/498851

Court : Madhya Pradesh

Decided On : Mar-16-2005

Reported in : 2005(2)MPHT189

Judge : S.K. Pande, J.

Acts : Prevention of Corruption Act, 1988 - Sections 13(1) and 13(2); Code of Criminal Procedure (CrPC) , 1974 - Sections 389 and 389(1)

Appeal No. : Criminal Appeal No. 1389/2004

Appellant : Sheel Kumar

Respondent : State

Advocate for Def. : S. Paliwal, Panel Lawyer

Advocate for Pet/Ap. : A.K. Jain, Adv.

Disposition : Appeal dismissed

Judgement :
ORDER

S.K. Pande, J.

1. This is an application under Section 389(1), Cr.PC for suspension of order recording conviction of appellant under Section 13(1)(e), 13(2) of the Prevention of

Corruption Act, 1988 vide impugned judgment dated 11-8-2004 passed by Special Judge, Damoh in Special Case No. 2/98.

2. Vide order dated 20-8-2004, execution of sentence of imprisonment vide impugned judgment was suspended. As has been held in Benzamin Khiro alias Kiro v. State of Orissa and Anr., 1995 Cr.LJ 1682, Ramesh Narang v. Rama Narang and Ors., 1995 Cr.LJ 1685, expression order appealed against under Section 389 does not include conviction. Conviction of appellant can not be suspended under Section 389 or under any other provisions of Code.

3. In M. Srinivasulu Reddy v. State Inspector of Police, Anti Corruption Bureau, 1993 Cr.LJ 558, also it has been held that suspension of conviction pending appeal is not contemplated by provisions of Cr.PC or any Rules or Regulations or other enactment. As such, application seeking suspension of conviction as prayed, fails and is dismissed.

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