

HIGH COURT OF CHHATTISGARH, BILASPUR

ORDER SHEET

CRA No. 29 of 2017

Ramesh Chandra Verma S/o Ramdev Lal, aged about 76 years, R/o Vinoba Nagar, Bilaspur, Tah. & Distt. Bilaspur (CG).

---- Applicant

Versus

State of Chhattisgarh through the Incharge Economic Offences Investigation Bureau, Raipur, Branch Anti Corruption Bureau, Bilaspur (CG).

----Respondent

10/01/2017	Shri Ravindra Sharma, Advocate for the appellant. Shri Ashish Shukla, Govt. Advocate for the State. The present appeal has been preferred against the judgment 09.12.2016 passed by the Special Judge (Prevention of Corruption Act), Bilaspur, in Special Criminal Case No.09/1999. Counsel for the appellant submits that present appeal has been preferred against the observations that has been made by the trial court in paragraph 49 of the impugned judgment wherein it has been ordered that after the period of appeal, the property seized from the possession of the appellant shall be confiscated. At the outset, this court is of the opinion that present appeal may not be maintainable for the reason that impugned judgment has already been put to challenge by the appellant in Criminal Appeal No.1552 of 2016 in which the sentence part of the appellant has already been suspended by this court.	

	In addition, it is also reflected from the record that in the said criminal appeal, there is also a prayer made by the appellant for stay of the effect and operation of the confiscation proceeding. The said prayer of the appellant has not been allowed though IA No.1 for suspension of sentence has been allowed. Accordingly, since the appellant has already sought for the same relief in the main appeal i.e. Criminal Appeal No.1552 of 2016, particularly against the confiscation, the present appeal seeking for the same relief would not be tenable. The appellant would be at liberty to press the said application in case if the respondent/State, at any point of time, initiates the confiscation proceeding. With the aforesaid liberty, the present appeal is dismissed. Sd/- (P. Sam Koshy) Judge	
--	--	--