

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPEAL NO. 124 OF 2008

Bajirao Hiranman Rathod,
Age : 58 years, Occu.: Service,
R/o.: Samta Colony,
Near Mahatma Phule School,
Majalgaon, Taluka Majalgaon,
District Beed

APPELLANT
(Ori. Accused)

VERSUS

State of Maharashtra

RESPONDENT
(Prosecution)

Mr.Joydeep Chatterji, Advocate for the appellant
Mr.K.D. Munde, A.P.P. for respondent/State

CORAM : SANGITRAO S. PATIL, J.

RESERVED ON : 16th JANUARY, 2018

PRONOUNCED ON : 23rd JANUARY, 2018

JUDGMENT :

The appellant has questioned legality and correctness of the judgment dated 28th March, 2008, delivered in Special Case No. 3 of 2006 by the learned Special Judge, Ambajogai, whereby he has been convicted for the offences punishable under Sections 7 and 13 (2) read with Sections 13 (1)(d) of the

Prevention of Corruption Act, 1988 ("the Act", for short) and sentenced to suffer rigorous imprisonment for one year and six months respectively, besides fine of Rs.5000/- each on those two counts with default clause.

2. The appellant was serving as a Police-Sub-Inspector in Police Station, Kaij, District Beed in the year 2005. The complainant namely Meghraj Tulshiram Ghule, resident of Sirpura, Taluka Kaij, District Beed, was the registered owner of a Mahindra Car bearing registration No.MH-14/R-3259. His brother namely Vaijnath, who was holding a driving licence, used to ply it on hire. The appellant registered a crime in Police Station, Kaij in respect of the above numbered car for the offences under Section 279 of the Indian Penal Code and under Sections 184, 66(1) read with Section 192 of the Motor Vehicles Act on 9th October, 2005. The brother of the complainant namely Vaijnath informed the complainant on 13th October, 2005 that on that day at about 5.00 p.m., when he was near old Government hospital at Kaij, the appellant informed him that a crime has been registered in respect of the above numbered car and asked him to take the car to Police Station. He further demanded Rs.2000/- for releasing

the car and for granting bail to Vaijnath.

3. The complainant filed an application on 14th October, 2005 in the Court at Kaij for getting the car released. The Court called for the reply of the appellant on that application. The complainant took the letter of the Court calling for reply of the appellant by hand and delivered it to the appellant on 15th October, 2005 in the evening in Police Station, Kaij. At that time, the appellant asked the complainant to produce Vaijnath in the Police Station on the say that he wanted to arrest Vaijnath. He further told that in case Vaijnath was to be released on bail immediately on his arrest and the complainant wanted a favourable reply in the application for release of the car, the amount of Rs.2000/- should be paid to him. He further warned the complainant that in case money is not paid to him, he would see that the car would remain rusting in Police Station itself for about twelve months. The complainant requested the appellant to reduce his demand for money. At that time, the appellant asked him to pay minimum Rs.1000/- for releasing Vaijnath on bail and for giving favourable reply for release of the car. The appellant asked the complainant to bring the amount of Rs.1000/-

and Vaijnath in Police Station, Kaij on 17th October, 2005 in the afternoon.

4. Then on 17th October, 2005 at about 9.00 a.m., the complainant met the appellant in Police Station, Kaij. The appellant asked him whether he had brought the amount of Rs.1000/- and Vaijnath. The complainant assured that he would bring money and his brother Vaijnath as well in the afternoon as was directed by the appellant earlier and requested the appellant to give favourable reply for release of the car. Since the complainant was not willing to pay bribe to the appellant, he went to the office of Anti Corruption Bureau (ACB), Beed and filed complaint against the appellant.

5. Dy.S.P. (ACB) Kolekar arranged for trap. He called two panchas. The contents of the complaint were verified through the complainant in the presence of both the panchas. The demonstration in respect of use and characteristics of anthracene powder was conducted. The currency notes of Rs.1000/- produced by the complainant were smeared with anthracene powder and kept in the left side chest pocket of the shirt of the complainant with the instruction that he should handover those notes to

the appellant only on being demanded by the appellant. The panch namely Balkrushna Ingole was instructed to be with the complainant and to watch the events and hear conversation between the appellant and the complainant. The complainant was instructed to give the predetermined signal after acceptance of the tainted currency notes by the appellant. The other members of the raiding party also were given necessary instructions. The pre-trap panchanama was prepared.

6. At about 2.30 p.m., the complainant and panch Ingole were sent to the Police Station for verification of the demand of bribe made by the appellant. At that time, the appellant asked the complainant whether he had brought Rs.1000/-. The appellant informed him that he had brought Rs.500/- only. At that time, the appellant told the complainant that he was going to the Court and asked the complainant to bring money in the Court. Therefore, necessary arrangement was made for laying the trap in the Court premises at Kaij.

7. The appellant was standing in front of the Criminal Section in the Court premises of Kaij. The complainant and panch Ingole went there. The appellant enquired with the complainant as to whether he had

brought money. The complainant answered in the affirmative. Then on being demanded by the appellant, the complainant took out the tainted currency notes of Rs.1000/- from the left side chest pocket of his shirt by his right hand and handed it over to the appellant. The appellant received those currency notes by his left hand and kept them in the left side pocket of his pant. Thereafter, the predetermined signal was given and the appellant was immediately caught hold of by the other members of the raiding party. The tainted currency notes of Rs.1000/- were recovered from the left side pocket of the pant of the appellant. The reply prepared by the appellant and the bail papers of Vaijnath were found with the appellant. The trap panchanama was prepared. The statements of witnesses were recorded. The papers of investigation were sent to the Sanctioning Authority through the Superintendent of Police, Beed, seeking sanction for prosecution of the appellant. After obtaining sanction, the appellant came to be prosecuted for the above mentioned offences.

8. The learned Trial Judge framed charges against the appellant vide Exh-5 for the above mentioned offences and explained the contents thereof to him in

vernacular. The appellant pleaded not guilty and claimed to be tried. His defence is that of total denial and false implication on the say that since he had registered crime against the brother of the complainant in respect of driving of the above numbered car, the complainant was annoyed and he got arranged a false trap and thrust the tainted currency notes in the left side pocket of his pant without his knowledge.

9. The prosecution examined the complainant at Exh-10, the panch Ingole (PW2) at Exh-17 and Dy.S.P. Kolekar (PW3) at Exh-26 to establish that the appellant demanded bribe and accepted the same from the complainant. The Special I.G.P. More (PW4), the Sanctioning Authority has been examined at Exh-29. After considering the evidence of the prosecution, the learned Special Judge held the appellant guilty for the above mentioned offences. He, therefore, convicted and sentenced the appellant as stated above.

10. The learned counsel for the appellant submits that the complainant had grudge against the appellant since the appellant had registered a crime in connection with the above numbered car owned by the complainant and had booked the brother of the complainant namely

Vaijnath. The complainant wanted to falsely involve the appellant in the case of bribery. He, therefore, filed a false complaint and got arranged a false trap. The complainant himself thrust the tainted currency notes of Rs.1000/- in the left side pocket of the pant of the appellant. The appellant was not at all aware at that time. When he realized that something was inserted by the complainant in the left side pocket of his pant, the appellant took out that amount by his left hand and at that time, he was caught hold of by the other members of the raiding party. He submits that the fingers of left hand of the appellant were got smeared with anthracene powder when he tried to take out the currency notes from the left side pocket of his pant. According to the learned counsel for the appellant, the explanation given by the appellant is quite natural and probable. He has rebutted the presumption under Section 20 of the Act. He then submits that the first demand was allegedly made to Vaijnath on 13th October, 2005. However, on 13th October, 2005, the appellant was not in the Police Station and had gone to village Deogaon-Kalegaon in connection with investigation into some other crimes. Vaijnath has not been examined by the prosecution. Therefore, the first demand cannot be said to have been

established. He then submits that according to the complainant, after receipt of the tainted currency notes, the appellant counted them before keeping them into the pocket of his pant. If that be so, the fingers of both of his hands should have been smeared with anthracene powder. However, traces of the anthracene powder were not noticed on the fingers of the right hand of the appellant. Therefore, according to him, the theory of thrusting set up by the appellant would become probable. He further states that Dy.S.P. Kolekar (PW3) claims that the tainted currency notes were taken out from the pocket of the pant of the appellant by panch No.2. However, Ingole (PW2) states that the said amount was taken out by the appellant himself. Therefore, according to him, the evidence of Ingole (PW2) supports the defence that after realizing that something was inserted in the pocket of his pant, the appellant himself took out the tainted currency notes and handed them over to Dy.S.P. Kolekar. He submits that the evidence on record is not sufficient, cogent and consistent to establish that the appellant demanded bribe from the complainant and accepted it as alleged. He further submits that Special IGP was not the appointing Authority of the appellant. The appellant

was appointed by the Director General of Police (DGP). Therefore, sanction order (Exh-30) issued by Special IGP More (PW4) cannot be said to be valid. On this ground also, the conviction of the appellant is liable to be set aside.

11. On the other hand, the learned A.P.P. submits that the evidence of the complainant is quite natural and probable. It creates great confidence. He had no reason to lodge false complaint against the appellant and depose false as well. There may be some minor variations in the evidence of the complainant, Ingole (PW2) and Dy.S.P. Kolekar (PW3), but they are not very material or significant. It is clear from the evidence on record that the appellant had detained the car of the complainant. The complainant had filed application for getting that car released. The Court had called for reply of the appellant. The appellant wanted to arrest Vaijnath in connection with the crime registered against him. The reply as well as bail papers of Vaijnath were found in possession of the appellant. It is, thus, clear that the appellant, on the pretext of giving favourable reply and releasing the brother of the complainant on bail, demanded bribe of Rs.1000/- from

the complainant. This demand was verified in the presence of Ingole (PW2), who is an independent witness having no malice against the appellant. He then submits that the tainted currency notes of Rs.1000/- have been handed over by the complainant to the appellant only on being demanded by the appellant. The theory of thrusting of the currency notes into the pocket of the pant of the appellant is not at all natural, probable and believable. He submits that the learned Special Judge has discarded the said theory on valid grounds. According to him, the prosecution has established beyond doubt the above mentioned offences against the appellant. He then submits that Special IGP More (PW4) had the authority to remove the appellant from service though the appellant was appointed by the DGP. According to him, the Special IGP More (PW4) was not subordinate to the DGP. Consequently, the sanction cannot be said to be invalid. He then submits that no prejudice has been caused to the appellant on account of any infirmity in the sanction order (Exh-30). The learned A.P.P. supports the impugned judgment and order and prays that the appeal may be dismissed.

12. There is no dispute that the tainted currency

notes of Rs.1000/-, which were produced by the complainant in the office of Dy.S.P. Kolekar (PW3) at the time of preparing pre-trap panchanama (Exh-18), were found in the left side pocket of the pant of the appellant. It is well settled that mere recovery of the bribe amount is not sufficient to establish that the public servant demanded and accepted the bribe and committed the offences punishable under Sections 7 and 13 (2) read with Section 13 (1) (d) of the Act. Therefore, it will have to be seen whether the tainted currency notes of Rs.1000/- reached the left side pocket of the appellant in response to his demand.

13. There is no dispute that crime was registered by the appellant in Police Station, Kaij on 9th October, 2005 for the offences punishable under Section 279 of the Indian Penal Code and under Sections 184, 66 (1) read with Section 192 of the Motor Vehicles Act against Vaijnath, the brother of the complainant in connection with the above numbered car owned by the complainant and Vaijnath was to be arrested. The copy of the FIR is at Exh-36. The said car was detained by the appellant and the complainant being the registered owner thereof had filed application in the Court at Kaij on 14th October,

2005 for release of the said car. As per the order of the Court, reply of the appellant was called for vide letter (Exh-37) dated 14th October, 2005.

14. As seen from the evidence of the complainant, the first demand of bribe was made by the appellant on 13th October, 2005 at about 5.00 p.m. when the appellant took the above numbered car to Police Station and asked Vaijnath to pay Rs.2000/- for releasing him on bail and releasing the car. Vaijnath has not been examined by the prosecution. Therefore, the said demand cannot be said to have been established.

15. The complainant deposes that on 14th October, 2005, he handed over the letter (Exh-37) to the appellant in Police Station, Kaij and at that time, the appellant demanded Rs.2000/- for releasing Vaijnath on bail and giving reply for releasing the car as well. He requested the appellant to reduce that amount and ultimately, the appellant agreed to receive Rs.1000/-. It was agreed that the said amount would be paid on 17th October, 2005.

16. The complainant deposes that on 17th October, 2005 at about 9.00 a.m., he went to Police Station, Kaij

and enquired with the appellant whether he had filed reply or not. At that time also, the appellant asked him whether he had brought money and also his brother Vaijnath. The complainant told him that he would pay the amount in the afternoon and his brother Vaijnath would come after some time. Thereafter, the complainant went to the office of ACB and filed complaint (Exh-11). The contents of the complaint (Exh-11) corroborate the version of the complainant in respect of the above mentioned demands for bribe made by the appellant.

17. It has further come in the evidence of the complainant that after the necessary preparations for laying the trap were made in the office of ACB, panch Ingole (PW2) and himself went on foot to the Police Station. At that time also, the appellant enquired whether he had brought Rs.1000/-. The complainant told that the amount was with his brother and he was awaiting for his brother. At that time, the appellant asked the complainant to produce his brother alongwith the money in the Court. In respect of this visit, there is some variation in the evidence of panch Ingole (PW2) in respect of the conversation between the appellant and the complainant. However, panch Ingole (PW2) supports

the version of the complainant to the extent that the appellant demanded Rs.1000/- from the complainant at that time. He further states that the complainant informed the appellant that he having Rs.500/- only and on that, the appellant asked him to bring Rs.1000/-. In my view, this variation does not go to the root of the matter. The evidence of the complainant and panch Ingole (PW2) is consistent in respect of reiteration of demand of bribe by the appellant at that time also.

18. The complainant as well as panch Ingole (PW2) depose that the appellant asked the complainant to come to the Court. Thereafter, they went to the Court alongwith other members of the raiding party and Dy.S.P. Kolekar (PW3).

19. The complainant deposes that the appellant was standing in front of Criminal Section of the Court. The appellant asked him whether he had brought money. He answered in the affirmative. Then the appellant demanded money whereon he took out money from the pocket of his shirt by his right hand and gave it to the appellant. The complainant states that the appellant counted that money and kept it in the left side pocket of his pant. Thereafter, Ingole (PW2) gave the predetermined signal.

The other members of the raiding party and Dy.S.P. Kolekar (PW3) came there immediately. The Police Constables Dhole and Tambhare caught hold the hands of the appellant.

20. As regards the demand and acceptance of bribe money at the time of the trap, panch Ingole (PW2) states that the complainant and himself went near the appellant near Criminal Section room. The appellant asked the complainant whether he had brought money. The complainant answered in the affirmative. The complainant took out the money by his right hand and gave it to the appellant. The appellant received that amount and then entered into the room. The appellant kept that amount in the pocket of his pant. Thereafter, he gave predetermined signal whereon Dy.S.P. Kolekar (PW3) and other members of the raiding party immediately came there and caught hold of the hands of the appellant.

21. The fact that after receiving the currency notes from the complainant, the appellant counted them prior to keeping them in the left side pocket of his pant, is not stated by panch Ingole (PW2). The contents of trap panchanama (Exh-19) corroborate the version of

panch Ingole (PW2) that after receiving money from the complainant, the appellant kept it in the left side pocket of his pant. The said panchanama does not corroborate the version of the complainant that the tainted currency notes were counted by the appellant. The hands of the appellant were examined under the light of ultraviolet lamp whereon the traces of the anthracene powder were seen on the fingers of his left hand only and not on his right hand fingers. This fact suggests that the right hand fingers of the appellant did not come into contact with the tainted currency notes. Had the appellant counted those notes, the fingers of both of his hands would have got smeared with anthracene powder that was applied to the said notes. The absence of anthracene powder on the right hand fingers of the appellant clearly indicates that the appellant had not counted the currency notes. It seems that there is some addition in the evidence of the complainant about the counting of notes by the appellant. This addition, in my view, is not significant and will have to be ignored, considering the evidence of Ingole (PW2), which is corroborated by the contents of trap panchanama (Exh-19).

22. From the evidence of the complainant, supported by the evidence of panch Ingole (PW2), it is clear that the appellant demanded bribe amount of Rs.1000/- from the complainant and in response to that demand, the complainant handed over the tainted currency notes of Rs.1000/- to him.

23. Dy.S.P. Kolekar (PW3) states that after receiving the predetermined signal about acceptance of bribe by the appellant, panch No.2, other staff members and himself rushed towards the appellant. He enquired with Ingole (PW2) as to who accepted the money and who was he. He further asked where the amount was kept. Ingole (PW2) informed that the amount was accepted by the appellant and was kept by him in the left side pocket of his pant. Then he caught hold of both of the hands of the appellant. He asked the complainant to await outside the room. He further states that after checking the hands of all the other members of the raiding party, under the light of ultraviolet lamp to show that there were no traces of anthracene powder thereon, Police Constable Tambare caught hold of the hands of the appellant. Thereafter his own hands were

examined under the light of ultraviolet lamp, whereon it was confirmed that there was no anthracene powder thereon. Thereafter, as per his direction, panch No.2 took out the bribe amount from the pocket of pant of the appellant. His evidence finds corroboration from the contents of trap panchanama (Exh-19). However, Ingole (PW2) states that bribe amount was taken out by the appellant himself from the pocket of his pant. In my view, this statement seems to be an outcome of loss of memory. As stated above, after receiving the signal of acceptance of bribe amount by the appellant, Dy.S.P. Kolekar (PW3) immediately rushed to the appellant and caught hold of both of his hands. Then after the hands of all the other members of the raiding party were examined, Police Constable Tambare caught hold of the hands of the appellant. In the circumstances, there was no scope for the appellant to take out the bribe amount from the left side pocket of his pant. I, therefore, believe the evidence of Dy.S.P. Kolekar (PW3), which is corroborated by the contents of panchanama (Exh-19) and hold that after acceptance of the bribe money, the appellant kept it in the left side pocket of his pant and the said money was taken out subsequently by panch No.2 and not by the appellant.

24. The appellant has come with a defence that the complainant being aggrieved because of filing case in respect of his car for the offence of carrying passengers illegally, lodged false complaint against him and thrusting the tainted currency notes into the left side pocket of his pant at the time of the trap. In support of his defence, the appellant examined himself at Exh-68. He deposes that on 17th October, 2005 at about 2.45 p.m., he had gone to the Court for seeking custody of some accused persons involved in some other crime and to file reply in the matter of release of car of the complainant. At that time, two accused persons, PHC Puri and other three constables were with him. Some police personnel from Aurangabad also were with him. He was in the verandah where the complainant came to him and asked whether he had filed reply in respect of release of the car. He told the complainant that the reply has been given to the concerned clerk of the Court. Thereafter, he was going to the concerned clerk to enquire as to when the accused persons would be called before the Court. At that time, the complainant was walking with him from his left side. He then realized that somebody inserted his hand into the left

side pocket of his pant. Therefore, he also inserted his own hand in the pocket. At that time, he found that somebody had inserted money in the pocket. He took out that money from the pocket and at the same time, he was caught hold of by the members of the raiding party.

25. The defence set up by the appellant does not appear to be natural and probable. When the appellant, who was working as a Police Sub-Inspector, was in the Court premises besides the other police personnel of his Police Station as well as from the Police Station of Aurangabad. The complainant, a layman, would not have thought of touching the body of the appellant much less inserting anything into the pocket of the pant of the appellant. When the appellant claims that the complainant and himself were proceeding towards criminal section to the clerk concerned, it would not have been difficult for the appellant to catch hold the hands of the complainant immediately after he kept the tainted currency notes in the pocket of his pant. The complainant certainly would not have dared to touch the body of the appellant without his consent and particularly for thrusting bribe money into the pocket of his pant, since there was every possibility of his

getting caught hold of in the attempt. The consequences thereof certainly would have been very serious and dangerous for the complainant. The appellant himself would have taken stern action against the complainant. The other police personnel, who were in the Court premises, certainly noticed the complainant while thrusting bribe money into the pocket of pant of the appellant. None of the police personnel, who allegedly were nearby the appellant at the time of the trap, has been examined by the appellant to show prima facie that the complainant inserted something in the pocket of his pant without his knowledge. All the above mentioned circumstances make it difficult for one to accept the defence set up by the appellant. He has not rebutted the presumption laid down in Section 20 of the Act.

26. The evidence of the complainant supported by panch Ingole (PW2) makes it sufficiently clear that the appellant demanded Rs.1000/- from the complainant for releasing the brother of the complainant on bail and giving favourable reply in the matter of releasing the above numbered car of the complainant. There is sufficient evidence to show that the tainted currency notes of Rs.1000/- were handed over by the complainant

to the appellant on being demanded by the appellant. The tainted currency notes have been recovered from the possession of the appellant. In the circumstances, the presumption under Section 20 of the Act would be attracted and it would have to be presumed that the appellant accepted the tainted currency notes as gratification as a motive or reward for discharging his official duty as a Police Sub-Inspector in the matter of releasing the brother of the complainant on bail and giving reply for releasing the car of the complainant. The appellant has failed to rebut the said presumption. The defence set up by him is not natural and probable. The prosecution has, thus, proved the offences punishable under Sections 7 and 13 (2) read with Section 13 (1) (d) of the Act against the appellant.

27. Dy.S.P. Kolekar (PW3) (Exh-26) deposes that after completion of investigation, he enquired with the Superintendent of Police about the Authority competent to appoint and remove the appellant from service. He has produced the documents in respect of that correspondence. He sent all the papers of investigation to Special IGP, Aurangabad for obtaining sanction for prosecution of the appellant.

28. Special IGP More (PW4) (Exh-29) deposes that he being the Special IGP of Aurangabad Region was appointing and removing Authority of the post of Police Sub-Inspector. He admits that Director General of Police appointed the appellant as Police Sub-Inspector. However, he denied that he was not authorised to remove the appellant from service. The prosecution has produced letter (Exh-42), sent by the Superintendent of Police, Beed to Dy.S.P. Kolekar wherein it was mentioned that the appellant was appointed by the DGP. However, the Special IGP, Aurangabad Region is competent to remove the appellant from service. The learned A.P.P. submits that Special IGP being the Authority competent to remove the appellant from service, was competent to accord sanction for prosecution of the appellant. The appellant has not produced anything on record to show that Special IGP, Aurangabad was not empowered to remove him from service. Considering the positive evidence of Special IGP More (PW4) coupled with the contents of letter (Exh-42), it is clear that Special IGP More (PW4) was competent to remove the appellant from service and therefore, had an authority to accord sanction for prosecution of the appellant.

29. Special IGP More (PW4) deposes that after receiving the papers of investigation, he went through those papers minutely and came to conclusion that it was necessary to grant sanction as prima facie case was disclosed about commission of the offences by the appellant. Accordingly, he issued sanction order (Exh-30). The sanction order (Exh-30) is quite exhaustive. It gives details of the alleged acts committed by the appellant with the Sections under which his prosecution as required to be launched. All the papers of investigation were placed before the Sanctioning Authority. It is clear that the sanction order (Exh-30) has been passed by the Special IGP More after going through the papers of investigation and applying his mind to the facts of the case. In the circumstances, I do not find any infirmity or illegality in the sanction order (Exh-30).

30. It may be noted that the appellant has not challenged sanction order (Exh-30) on any ground, much less on the ground that Special IGP More (PW4) was not competent to accord sanction for his prosecution. The appeal memo is totally silent about validity or

invalidity of the sanction order (Exh-30). Apart from that, there is no whisper that there has been a failure of justice because of any error, omission or irregularity in the sanction order (Exh-30). In the circumstances, in view of sub-section (3)(a) of section 19 of the Act, the finding recorded by the trial Court holding the appellant guilty for the above-mentioned offences cannot be interfered with on the ground of any error, omission or irregularity in the sanction order (Exh-30).

31. As stated above, the prosecution established guilt of the appellant for the above mentioned offences. The learned Special Judge rightly appreciated the evidence and rightly held the appellant guilty for the said offences. I subscribe to the findings recorded by the learned Special Judge. The conviction of the appellant for the above mentioned offences calls for no interference.

32. The learned Special Judge has convicted the appellant for the offences punishable under Sections 7 and 13 (2) read with Section 13 (1) (d) of the Act with rigorous imprisonment for one year and six months

respectively. Both the sentences have been ordered to run concurrently. He has shown sufficient leniency to the appellant in the matter of inflicting punishment. Considering the nature of the offences established against the appellant, in my view, the appellant does not deserve for any more leniency. The sentence passed against the appellant by the learned Special Judge, therefore, needs no interference.

33. The appeal is devoid of any substance. It is liable to be dismissed. In the result, I pass the following order:-

O R D E R

(A) The Criminal Appeal is dismissed.

(B) The appellant shall surrender to his bail bonds by appearing before the trial Court within a period of two weeks from today for suffering the sentence.

(C) In case the appellant fails to surrender before the trial Court within the period of two weeks from today, the trial Court shall issue coercive process against him for securing his presence.

- (D) Inform the trial Court accordingly.
- (E) The appeal is accordingly disposed of.

[SANGITRAO S. PATIL]
JUDGE

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