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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 562/2018

JAGMOHAN SHARMA

..... Appellant

Through: Mr. Manpreet Singh Doabia and Mr.
Gautam Mudgal, Advs.

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Mr. Narender Mann, SPP with Mr.
Manoj Pant, Adv.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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17.07.2018

Crl. M.A. 11452/2018 (Interim suspension of sentence)

Appellant has been convicted under Section 13(2) of the P.C. Act read with Section 120B IPC and also under Section 420 IPC. He has been sentenced to face rigorous imprisonment for 5 years with fine of ₹1 lac under Section 13(2) of the P.C. Act read with Section 120B IPC and rigorous imprisonment of 3 years with fine of ₹1 lac under Section 420 IPC. All the sentences have been directed to run concurrently and benefit of Section 428 CrPC given to accused. Appellant was working as an Assistant Divisional Finance Manager (ADFM), Northern Railways, Delhi Division. It is submitted that no evidence has been led to prove that any money was paid to appellant towards bribe, inasmuch as, nothing was recovered from the appellant. At page 250 of the impugned judgment, learned Additional Session Judge has observed that there is no evidence against any of the accused except Subhash Rohila about making any false documents or electronic

record, with intention to cause damage or injury to the public or to cause any person to part with any property etc. Despite this, appellant has been convicted. It is further submitted that fine has already been deposited. Thus, it is prayed that sentence of the appellant may be suspended during pendency of appeal.

Learned SPP has opposed the suspension of sentence of the appellant. It is contended that trial court has passed the judgment of conviction on the basis of evidence indicating complicity of the appellant.

At this stage, I need not to go into the merits or demerits of the case. Appeal has already been admitted disposal whereof is likely to take time. Keeping in mind totality of the facts and circumstances of the case, it is ordered that sentence of appellant shall remain suspended during pendency of the appeal, subject to his furnishing a personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial court.

Application is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

JULY 17, 2018

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