

**NON-REPORTABLE**  
**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL APPEAL NO. \_\_\_\_\_ OF 2021**  
**(Arising from SLP(Criminal) No.5832/2019)**

**S.Sundara Kumar**

**...Appellant**

**Versus**

**State Represented by**  
**The Inspector of Police, Vigilance**  
**And Anti-Corruption, Thoothukudi District,**  
**Tamil Nadu**

**...Respondent**

**J U D G M E N T**

**M.R. SHAH, J.**

1. Leave granted.
2. Feeling aggrieved and dissatisfied with the impugned judgment and order dated 23.11.2018 passed by the Madurai Bench of the Madras High Court in Criminal Appeal (MD) No. 357 of 2008, by which the High Court has dismissed the said appeal preferred by the appellant herein – original accused and has confirmed the judgment and order of conviction and sentence passed by the learned Special Judge-cum-Chief Judicial

Magistrate, Thoothukudi dated 23.07.2008 passed in Special Case No.2 of 2004, convicting the accused – appellant herein for the offences under Sections 7, 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988 and by which the learned Special Judge sentenced the accused to undergo rigorous imprisonment for a period of two years with fine of Rs.5,000/-, the original accused has preferred the present appeal.

3. At the outset, it is required to be noted that earlier by order dated 02.12.2019, this Court issued the limited notice on quantum of sentence only. Meaning thereby the conviction of the appellant – original accused came to be confirmed by this Court. Therefore, now the present appeal is required to be considered qua the quantum of sentence only.

4. Learned counsel appearing on behalf of the appellant – original accused has submitted that by now the appellant – original accused has undergone approximately one year and one-month rigorous imprisonment. It is submitted that the accused-appellant is already dismissed from service on being convicted for the offences under the Prevention of Corruption Act. It is submitted that the appellant is a senior citizen aged about 69/70 years. Therefore, it is prayed to reduce the sentence imposed by

the learned Special Court, confirmed by the High Court, to the sentence already undergone.

5. Learned counsel appearing on behalf of the respondent-State, as such, has opposed the prayer and has submitted that the appellant has been convicted for the offences under the Prevention of Corruption Act and therefore no leniency may be shown in favour of the accused.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case and considering the fact that out of two years sentence imposed by the learned Special Court, confirmed by the High Court, the appellant has already undergone approximately one year and one-month and considering the fact that the appellant is a senior citizen aged about 70 years and that he is already dismissed from service, we are of the opinion that the ends of justice would be met if the sentence of two years rigorous imprisonment as imposed by the learned Special Court, confirmed by the High Court, is reduced to that of one year and one-month rigorous imprisonment.

7. In view of the above and in the facts and circumstances of the case, the appeal is partly allowed. The judgment and order of conviction passed by the learned Special Court, confirmed by the

High Court, is hereby confirmed. However, the sentence of two years rigorous imprisonment imposed by the learned Special Court while convicting the accused for the offences under Sections 7, 13(2) read with 13(1)(d) of the Prevention of Corruption Act, 1988, confirmed by the High Court, is hereby reduced to one year and one-month rigorous imprisonment. The order of fine is not upset. The appellant herein be released on completion of one year and one-month rigorous imprisonment, if not required in any other case.

.....J.  
[ASHOK BHUSHAN]

.....J.  
[R. SUBHASH REDDY]

NEW DELHI;  
JANUARY 13, 2021.

.....J.  
[M.R. SHAH]