

"REPORTABLE"

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 2597/2018

IN

CRIMINAL APPEAL NO. 895/2018

(@ CRIMINAL APPEAL NOS. 895-896/2018)

STATE OF GUJARAT

Appellant

VERSUS

NAVINBHAI CHANDRAKANT JOSHI

Respondent/
Applicant

O R D E R

This is a petition filed by the accused no. 2/respondent no. 1 to modify the judgment dated 17.7.2018 in Criminal Appeal Nos. 895-896/2018. In paragraph (3) of the judgment, the accused no. 2/respondent no. 1 has been stated to be the Government servant, which is not factually correct. Though, the accused no. 2/respondent no. 1 is not a Government servant, bribe amount in currency notes of Rs.500/- were recovered from him only; there were signs of anthracene powder noticed from the shirt pocket of the accused no. 2/respondent no. 1. Considering the fact that currency notes were recovered from the accused no. 2/respondent no. 1, in our view, the ingredients of Section 8 of the Prevention of Corruption Act, 1988 are established. The conviction of the accused no. 2/respondent no. 1 under Sections 7 and 13(1)(d) read with 13(2) of the Prevention of Corruption Act, 1988 is modified as the conviction under

Section 8 of the said Act, and the sentence of one year imposed is reduced to six months.

The judgment shall be modified accordingly.

.....CJI
[Ranjan Gogoi]

.....J.
[R. BANUMATHI]

New Delhi;
December 7, 2018.

ITEM NO.301

COURT NO.1

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

M.A. No. 2597/2018 in Criminal Appeal Nos. 895-896/2018

STATE OF GUJARAT

Appellant

VERSUS

NAVINBHAI CHANDRAKANT JOSHI

Respondent/
Applicant

(FOR ADMISSION and IA No.119535/2018-MODIFICATION)

Date : 07-12-2018 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner

Ms. Hemantika Wahi, Adv. (AOR)
Ms. Jesal Wahi, Adv.
Ms. Puja Singh, Adv.
Ms. Vishakha, Adv.

For Respondent/
Applicant

Mr. Parthiv Goswami, Adv.
Mr. Pradhuman Gohil, Adv.
Ms. Taruna Singh Gohil, Adv.
Mr. Vikash Singh, AOR
Mr. Himanshu Chaubey, Adv.
Ms. Tanvi Bhatnagar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The judgment dated 17.7.2018 in Criminal Appeal Nos. 895-896/2018 is modified in terms of the signed reportable order.

M.A. No. 2597/2018 is accordingly disposed of.

(Deepak Guglani)
Court Master
(signed reportable order is placed on the file)

(Anand Prakash)
Court Master