

STATE OF GUJARAT

A

v.

NAVINBHAI CHANDRAKANT JOSHI

(Miscellaneous Application No. 2597 of 2018)

B

in

(Criminal Appeal No. 895 of 2018)

DECEMBER 07, 2018

**[RANJAN GOGOI, CJI AND R. BANUMATHI, JJ.]**

C

*Judgments/Orders – Modification of – Application filed by respondent no.1-accused no.2 seeking modification of the judgment dated 17.07.2018 reported in [2018] 9 SCR 329 wherein he was stated to be a Government servant, which is not factually correct – Held: Though, the respondent no.1 is not a Government servant, bribe amount in currency notes of Rs.500/- were recovered from him only – Thus, the ingredients of s.8, 1988 Act are established – Conviction of respondent no.1 u/s.7 and 13(2) of the 1988 Act is modified as conviction u/s.8, 1988 Act – Sentence of one year reduced to six months – Prevention of Corruption Act, 1988 – ss.7, 8 and 13(2).*

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CRIMINAL APPELLATE JURISDICTION : Miscellaneous Application No. 2597 of 2018 in Criminal Appeal No. 895/2018 (@ Criminal Appeal Nos. 895-896/2018).

F

From the Judgment and Order dated 16.04.2015 of the High Court of Gujarat at Ahmedabad in Criminal Appeal Nos. 477 and 478 of 2000.

Ms. Hemantika Wahi, Ms. Jesal Wahi, Ms. Puja Singh, Ms. Vishakha Advs. for the Appellant.

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Parthiv Goswami, Pradhuman Gohil, Ms. Taruna Singh Gohil, Vikash Singh, Himanshu Chaubey, Ms. Tanvi Bhatnagar Advs. for the Respondent/Applicant.

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A The following Order of the Court was passed :

**ORDER**

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.

Divya Pandey

Earlier judgment modified.