

**IN THE COURT OF SH. SIDHARTH SHARMA
ADDITIONAL SESSIONS JUDGE-02 (FTC) , NEW DELHI DISTRICT
PATIALA HOUSE COURTS, NEW DELHI**

Sessions Case No. 143/2013

STATE vs. MS. MADHURI GUPTA

FIR No. 21/2010

U/s 3/4/5 The Official Secrets Act r/w 409/120 IPC

PS Special Cell

ORDER ON SENTENCE

1. Vide my judgment passed and pronounced in the open court on 18.05.2018, accused Ms. Madhuri Gupta was held guilty and convicted for offence u/s 3(1)(c) Part-II (punishable upto a period of 3 years imprisonment) of The Official Secrets Act, 1923 & u/s 5 of The Official Secrets Act, 1923 r/w 120-B IPC.

2. Arguments on the quantum of sentence heard today from Sh. Joginder Singh Dahiya Advocate for convict and from Sh. Irfan Ahmed, Special Public Prosecutor for State.

3. Ld. counsel for convict stated that convict is a woman and has already spent in jail a period of 20 months and 17 days i.e. since 23.04.2010

till 10.01.2012. I have also heard convict in person. She stated that her parents had expired at early age and she has only younger brother who is an NRI, living in USA for last more than three decades and therefore, there is no one to look after her. She further stated that as a consequence of this conviction, she will loose her post retirement benefits as she is likely to be dismissed from service. She further stated that she is a senior citizen, aged 61 years and is a single lady and is a victim of circumstances. Convict prayed for a lenient view.

4. Ld. Special Public Prosecutor stated that convict has been convicted for an offence which provides punishment upto three years. He further stated that convict is an educated lady and was holding an important post in the High Commission of India, Islamabad and it is not expected from a person of her stature to be involved in such activity for which she has been convicted. Ld. Special Public Prosecutor further stated that convict fully understands the consequence of her act being the position she was holding and her action resulted into disrepute to the image of the country. Ld. Special Public Prosecutor prays that convict be punished for a maximum period as given for the offence under which she has been convicted.

5. I have carefully gone through the arguments addressed from both sides. It is seen that convict is a modern educated woman who had cleared a

prestigious exam of 'Assistant Grade-1991' conducted by UPSC for her appointment and during her service period, she was posted in different Embassies and at the time of offence in the present case, she was posted on very sensitive position in High Commission of India, at Islamabad, Pakistan. Undoubtedly, from a person of her stature, it was expected that she would act in more responsible manner than an ordinary citizen as she was at high position of trust but her action has tarnished the image of the country and has caused severe threat to the security of the country. Therefore, she does not deserve any mercy or leniency in punishment. Accordingly, for offence u/s 3 (1)(c) Part-II of The Official Secrets Act, 1923, convict Ms. Madhuri Gupta is sentenced to undergo simple imprisonment for a period of three years i.e. the maximum punishment provided for the offence. For offence u/s 5 of The Official Secrets Act, 1923 r/w 120-B IPC, the convict shall suffer simple imprisonment for a period of three years i.e. the maximum punishment provided for the offence. Both the sentences shall run concurrently.

6. Benefit of Section 428 Cr.PC shall be given to the convict in accordance with law.

7. At this stage, Id. Counsel for convict has moved an application u/s 389 Cr.PC seeking suspension of sentence and grant of bail.

8. Heard. It is stated that applicant/convict had been on bail during the maximum period of trial and had never misused her liberty and has been appearing regularly before the court. It is stated that applicant/convict intends to file an appeal against the judgment of conviction and order on sentence before Hon'ble High Court of Delhi, for which she needs time. It is stated that since the applicant has been ordered to suffer an imprisonment for a term not exceeding three years, she is entitled to be admitted on bail till filing of the appeal.

9. In view of the period of punishment and the reasons given in application, same is allowed. Sentence is suspended and convict is admitted on bail on her furnishing PB & SB in sum of Rs. 25,000/- each for a period of 30 days from today for filing appeal, failing which convict is directed to surrender before this court after expiry of a period of 30 days from today.

10. Copy of this order be given dasti to the convict.

**Announced in the open Court
today on 19th May, 2018**

**(SIDHARTH SHARMA)
ASJ-02/FTC/New Delhi District
PHC/New Delhi**