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

+ CRL.A. 172/2023

PRITHI PAL SINGH @ SANJAY

..... Appellant

Through: Ms. Rajdipa Behura, Ms. Philoma Kani and Ms. Neha Dobriyal, Advocates (DHCLSC)

versus

STAT GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Satish Kumar, APP for the State with SI Chandani, P.S. Patel Nagar.

CORAM:

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

ORDER

20.04.2023

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1. Issue Notice. Learned APP accepts notice on behalf of the State.
2. Admit.
3. List the matter in the category of 'regular matters', as per its year of filing.
4. In the meantime, Registry is directed to summon the Trial Court Record in digitized form and tag the same along with this file and nominal roll be called for.

CRL.M.(BAIL) 271/2023 (for suspension of sentence)

5. Issue notice. Mr. Satish Kumar, learned APP for the State accepts notice.
6. The present application is filed by the appellant praying *inter alia* for suspension of sentence awarded to him, *vide* order on sentence dated



22.10.2022, vide which the appellant has been convicted for committing offence under Section 341/373 of the Indian Penal Code, 1860 (IPC) and have been sentenced to undergo simple imprisonment for one month for committing offence under Section 341 of IPC and 10 years of rigorous imprisonment and a fine of Rs. 30,000/- under Section 376 of IPC. Benefit mentioned under Section 428 Cr.P.C was also given to the appellant.

7. It is argued by learned counsel for the appellant that the learned Trial Court has not appreciated the material and improvements made by the prosecutrix in her statement. It is argued that there is material contradiction regarding distance between the house of the prosecutrix and a house where she was working. It is argued that the appellant has not prepared the site plan at the instance of the prosecutrix. It is argued that while recording statement of the appellant under Section 313 of Cr.P.C., the learned Trial Court has failed to put entire incriminating evidence to the accused which has resulted into miscarriage of justice. It is also argued that the case of the prosecution was not proved by reasonable doubts, however, the appellant has been convicted. It is submitted that aforesaid fine has not been paid by the appellant. He further submitted that the appellant is not involved in any other case and that the sentence imposed on the appellant in the present case may be suspended during the pendency of the appeal.

8. Having regard to the aforesaid facts and circumstances of the present case and in view of the fact that the accompanying appeal has been admitted for regular hearing, which is not likely to be heard in a measurable period of time, the present application is allowed. It is directed that the sentence imposed on the appellant shall remain suspended during the pendency of the present appeal, subject to his furnishing a personal bond to the tune of Rs.



20,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned. However, the fine imposed upon the appellant by the learned Trial Court shall be deposited within one week.

9. The order be uploaded on the website forthwith.

SWARANA KANTA SHARMA, J

APRIL 20, 2023/zp

[Click here to check corrigendum, if any](#)