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

+ **CRL.A. 172/2025**

SUNDER KUMAR

.....Appellant

Through: Mr. Sanjeev Kumar, Advocate

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Rajkumar, APP for the State

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

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01.04.2025

CRL.M.(BAIL) 294/2025 (Suspension of Sentence)

1. By way of instant application, the applicant seeks suspension of sentence during the pendency of the present appeal. It is stated that *vide* impugned judgment dated 18.11.2024 passed by the learned Additional Sessions Judge, (FTSC) RC-01, West District, Tis Hazari Courts, Delhi in SC No. 334/2020, the appellant has been convicted for the offence punishable under Sections 354B/328/342 of Indian Penal Code, 1860 (hereafter '*IPC*') and *vide* order on sentence dated 16.12.2024, he has been sentenced to undergo (i) rigorous imprisonment for five years for the offence under Section 354B of IPC with fine of ₹5,000/- and in default of payment of fine, to undergo simple imprisonment for a period of two months, (ii) rigorous imprisonment for five years for the offence under Section 328 of IPC with fine of ₹3,000/- and in default of payment of fine, to undergo



simple imprisonment for a period of one month, (iii) rigorous imprisonment for six months for the offence under Section 342 of IPC with fine of ₹1,000/- and in default of payment of fine, to undergo simple imprisonment for a period of one month. It was further directed that all the sentences shall run concurrently. The appellant was also directed to pay Rs.2,00,000/- as compensation to the victim under Victim Compensation Scheme as per Section 357A of Cr.P.C. The benefit of Section 428 of Cr.P.C. was given to the convict.

2. The learned counsel appearing on behalf of the appellant states that the appellant has served sentence of five months and six days and that the appellant/applicant is not involved in any other case. Therefore, it is prayed that the sentence awarded to the appellant/applicant in the present case may be suspended during the pendency of the present appeal.

3. In light of the aforesaid facts and circumstances of the case, the present application is allowed. It is directed that the sentence awarded to the appellant/applicant shall remain suspended during the pendency of the present appeal, subject to his furnishing a personal bond to the tune of Rs. 10,000/- with one surety bond of the like amount, subject to satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned, and on the following terms and conditions,:

- i) The appellant/applicant shall not leave the country without prior permission of the concerned Court.
- ii) In case of change of residential address/contact details and phone number, the applicant shall promptly inform the same to the concerned Trial Court.

4. Accordingly, the present application stands disposed of.



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5. The Status Report and the Nominal Roll have been received.
6. The Trial Court Record has also been received.
7. List for arguments on 28.05.2025.
8. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

APRIL 1, 2025/ns

Click here to check corrigendum, if any