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

+ CRL.A. 738/2018

RAJU @ TAMBA @ HASEEN

..... Appellant

Through

Mr. Anil Kumar with Ms. Vibuti
Pundir, Advs.

versus

STATE

..... Respondent

Through

Mr. Hirein Sharma, APP for State
Insp. Rajesh with Mr. Indrapal Singh,
PS Madhu Vihar

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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21.01.2020

CRL.M.(BAIL) 2063/2019

Vide the present application, the applicant/appellant seeks suspension of sentence granted by the Trial Court vide order on sentence dated 10.01.2018 whereby the applicant has been sentenced to undergo RI for a period of 7 years and a fine of ₹5,000/- for the offences punishable under section 392/34 r/w Section 397IPC and in default of payment of fine, to undergo SI for 3 months.

He is further sentenced to undergo RI for 3 years and fine of ₹2,000/- for the offence punishable under section 25 Arms Act and in default of payment of fine, to undergo SI for 1 month.

He is also sentenced to undergo RI for 4 years and fine of ₹4,000/- for the offence punishable under section 307/34 IPC and in default of payment of fine, to undergo SI for 2 months.

The above mentioned sentences shall run concurrently.

Learned APP has opposed the present application by stating that vide detailed order dated 13.11.2018, application for suspension of sentence of the applicant was dismissed by coordinate bench. Thus, there is no change of circumstances since then, the present application deserves to be dismissed.

However, it is not disputed by learned APP that applicant has already undergone sentence of 3 and ½ years out of total sentence of 7 years awarded by the trial Court.

Taking into account the period of sentence already undergone by the applicant and the hearing of the appeal shall take substantial time, this Court is inclined to suspend the sentence during pendency of the appeal.

Accordingly, the applicant shall be released on bail on his furnishing personal bond in the sum of ₹10,000/- with one surety of the like amount to the satisfaction of the Trial Court.

The applicant shall not involve himself in any other case and in the event of any report against him, this Court would consider the desirability of cancelling the suspension of sentence. The applicant shall also ensure his presence at the time of hearing of the appeal.

The application is allowed and disposed of.

Copy of this order be transmitted to the Jail Superintendent and the Trial Court concerned for necessary compliance.

Order *dasti* under the signatures of Court Master.

SURESH KUMAR KAIT, J

JANUARY 21, 2020

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