

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No.325 of 2003

MUKHTIAR AHMED ANSARI Appellant(s)

VERSUS

STATE (N.C.T. OF DELHI) Respondent(s)
(With appln. for bail)

Date : 19/08/2003 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE ASHOK BHAN

For Appellant (s)Mr. Sushil Kumar, Sr.Adv.
Mr. R.N. Keshwani, Adv.
Mr. Ramlal Roy, Adv.

For Respondent (s)Mr. Mukul Rohtagi, A.S.G.
Mr. Uday U. Lalit, Adv. (N/P)
Mr. Ajay Sharma, Adv.
Mrs. Anil Katiyar, Adv. (N/P)
Mr. D.S. Mahra, Adv.

UPON hearing counsel the Court made the following
O R D E R

The appellant has been held guilty of an offence punishable under Section 25 of the Arms Act and sentenced to 3 years R.I. with a fine of Rs.50,000/-, in default to further undergo one year's R.I. He has also been sentenced under Section 5 of the TADA (P) Act and sentenced to 10 years' R.I. with a fine of Rs. 5 lakhs and in default, to further undergo one year's R.I. This appeal accompanied by an application for suspension
...2/-

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of sentence of imprisonment came up for hearing before this Court on 1.5.2003 and again on 22.7.2003. On each occasion, the hearing of the bail application was adjourned. As required by Rule 5 of Order XXD of the Supreme Court Rules, 1966, the paper books have to be prepared by the State concerned and filed within thirty days from the settlement of index and the appeal has to be heard on the paper books filed by the State Government. Though the paper books have been filed belatedly on 14.8.2003, but they are not yet complete and the appeal cannot be heard. The learned counsel for the appellant submitted that on the material available on record, the charge under Section 5 of the TADA (P) Act cannot be substantiated and so far as the conviction under the Arms Act is concerned, the appellant has already undergone a sentence of three years.

In the abovesaid circumstances, the application for suspension of sentence is allowed and it is directed that during the hearing of this appeal, the execution of sentence of imprisonment and recovery of fine shall remain suspended subject to the appellant depositing half of the amount of fine imposed on him and furnishing a solvent surety in the amount of Rs.5 lakhs (Rupee

s five lakhs only) with two sureties each in an amount of Rs.2.50 lakhs (Rupees two lakhs fifty thousand only) to the satisfaction of the trial court requiring the appearance of the appellant as directed by this Court. The personal bond and the bail bonds to be furnished by the appellant shall incorporate the following conditions also:-

1. That the appellant shall not leave the country and shall deposit his passport, if any, with the trial court.

...3/-

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2. The appellant shall not leave the State of U.P. and the U.T. of Delhi without informing the local police station of the place where he is a resident.

3. The appellant shall not commit any offence during the pendency of this appeal or misuse the liberty given to him in any other manner whatsoever.

The learned counsel for the appellant states that within a period of two weeks, he shall furnish a list of documents which are also required to be included in the paper book, under copy to the learned counsel for the State, whereupon the State shall provide an additional paper book containing those documents.

(N. Annapurna)
Court Master

(Radha R. Bhatia)
Court Master