



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. / 2023

(@ SPECIAL LEAVE PETITION (CRIMINAL) NO. 8936/2023)

MUSTAFABHAI JAMALBHAI SIPAI

Appellant(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

ORDER

Leave granted.

Heard learned counsel appearing for the parties.

Perused the evidence of PW-1, Ramesh Bhai. Prima-facie, it appears to us that the confession is by the co-accused. He does not ascribe any role to the appellant in the main offence. The appellant has undergone incarceration for a period of more than three years and half month.

Hence, a case is made out for grant of suspension of sentence pending final disposal of appeal before the High Court, especially, when there are no antecedents reported.

For that purpose, the appellant shall be produced before the Trial Court within a period of one week from today. The Trial Court shall enlarge the appellant on bail pending final disposal of the appeal before the High Court on appropriate terms and conditions.

The appeal is, accordingly, allowed.

.....J,
[ABHAY S. OKA]

.....J,
[PANKAJ MITHAL]

NEW DELHI;
03RD OCTOBER, 2023

ITEM NO.47

COURT NO.11

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 8936/2023

(Arising out of impugned final judgment and order dated 06-09-2022 in CRLMA No.10/2022 passed by the High Court Of Gujarat at Ahmedabad)

MUSTAFABHAI JAMALBHAI SIPAI

Petitioner(s)

VERSUS

THE STATE OF GUJARAT

Respondent(s)

(FOR ADMISSION and I.R. and IA No.65098/2023-CONDONATION OF DELAY IN FILING and IA No.65102/2023-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.65108/2023-EXEMPTION FROM FILING O.T.)

Date : 03-10-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. Iqbal Syed, Sr. Adv.
Mr. Varinder Kumar Sharma, AOR
Ms. Deeksha Gaur, Adv.
Mr. Shantanu Sharma, Adv.
Mr. Aniq Kadri, Adv.
Mr. Y.K. Prasad, Adv.

For Respondent(s) Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.
Ms. Neha Singh, Adv.

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

Leave granted.

The appeal is allowed in terms of the Signed Order.

The operative portion of the order reads thus :-

"Hence, a case is made out for grant of suspension of sentence pending final disposal of appeal before the High Court, especially, when there are no antecedents reported.

For that purpose, the appellant shall be produced before the Trial Court within a period of one week from

today. The Trial Court shall enlarge the appellant on bail pending final disposal of the appeal before the High Court on appropriate terms and conditions."

Pending application(s), if any, shall stand disposed of.

(VARSHA MENDIRATTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)

(Signed order is placed on the file)