

\222:

ITEM NO. 8

Court No. 6

SECTION IIA

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

Petition(s) for Special Leave to Appeal (Crl) No(s).4892/2013

(From the judgement and order dated 05/11/2012 in CRLA No.430/2010, dated 06/11/2012 in CRLA No.430/2010, dated 04/02/2013 in CRLA No.430/2010, of The HIGH COURT OF BOMBAY AT AURANGABAD)

HARJITSINGH S/O JODHSINGH RAJPAL

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(With appln(s) for bail,permission to file additional documents and office report ))

WITH SLP(Crl) NO. 5075 of 2013

(With appln. for bail and office report)

SLP(Crl) NO. 5640 of 2013

(With appln. for bail and exem. from filing c/c of the impugned order and office report)

SLP(Crl) NO. 7401 of 2013

(With appln. for bail and exem. from filing O.T. and office report)

SLP(Crl) NO. 7404 of 2013

(With appln. for bail and exem. from filing O.T. and office report)

SLP(Crl) NO. 7394 of 2013

(With appln. for bail and exem. from filing O.T. and office report)

SLP(Crl) NO. 7798 of 2013

(With appln. for bail and exem. from filing c/c of the impugnd order and office report)

SLP(Crl) No. 6009 of 2013

(With appln. for bail and office report)

SLP(Crl.) No. 6120 of 2013

(With appln. for bail and office report)

SLP(Crl.) No. 6119 of 2013

(With appln. for bail and office report)

SLP(Crl.) No. 7873 of 2013

(With appln. for exem. from filing c/c of the impugned order and bail and office report)

SLP(Crl.) Nos. 10252-10255 of 2013

(With appln. for bail and office report)

SLP(Crl.) No. 1473-1475 of 2014

(With appln. for bail and exem from filing O.T. and office report)

SLP(Crl.) No. 1622 of 2014

(With appln. for bail and exem from filing O.T. and office report)

Date: 04/03/2014 These Petitions were called on for hearing today.

CORAM :

For Petitioner(s)            Mr. K.T.S.Tulsi, Sr. Adv.  
                                 Mr. Maheen Pradhan, Adv.  
                                 Mr. K.L. Taneja, Adv.

                                 Mr. P.S.Narasimha, Sr. Adv.  
                                 Ms. Sudha Gupta, Adv.  
                                 Mr. Sudakshnine Rathor, Adv.  
                                 Mr. Ishaan George, Adv.

                                 Mr. Arvind S.Avhad, adv.  
                                 Mr. V.K. Sidharthan, Adv.  
                                 Mr. Karri Venkata Reddy, Adv.

                                 MS. Tulika Prakash, Adv.  
                                 Mr. M.Khairati, Adv.

                                 Mr. Jagjit Singh Chhabra, Adv.  
                                 Mr. K.Sultan Singh, adv.  
                                 Mr. K.Samar Vijay Singh, Adv.  
                                 MR. Ashutosh K.Singh, adv.

                                 Mr. Arun Pednekar, Adv.  
                                 Ms. Mukti Choudhary, Adv.

                                 Mr.Rajeev Sharma, Adv.  
                                 Mr.Siddharth Jaiprakash, adv.  
                                 Mr. Sahil Bhalik, a dv.  
                                 Mr.UDDyam Mukherjee, Adv.  
                                 Mr. PArimal Phale, Adv.  
                                 Mr.Vijay Gundcha, Adv.

                                 Dr. Kailash Nath Dilly, Sr. Adv.  
                                 Mr.Nishant Ramakantrao Katnesh, Adv.

For Respondent(s)            Mr. Shankar Chillarge, Adv.  
                                 Ms. Asha Gopalan Nair, Adv.

                                 Mr.A.P.Mayee, Adv.

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

We have heard learned counsel for the parties at considerable length. We have also been taken through the order passed by the Trial Court and the High Court in appeal. Portion of evidence adduced in the case has also been read out to us in the course of the hearing. From the affidavit filed by Superintendent of Yerawada Central Prison, Pune it appears that out of those convicted only two namely Vilas Karle (A-20) and Ramesh @ Ramakant Rajaram Barkase (A-7) have undergone more than eight years imprisonment. These two convicts have not preferred any appeal against their conviction and sentence so far. The remaining convicts who have appealed to this Court have undergone nearly four years sentence out of the sentence awarded to them by the courts below.

Mr. Rajeev Sharma, learned counsel appearing for A-13 Chetan Bhalgat submits that the said accused had already undergone nearly four years by now. He submits that A-13 Chetan Poptal Lal has married the victim which fact is noticed even in the order passed by the High Court and is evident from the affidavit filed by the victim herself in Criminal Miscellaneous No. 5595 of 2014. He submits that it was on that basis only that the High Court had awarded to the said petitioner a reduced punishment of eight years. The appellant has

besides marrying the victim already transferred immoveable property in her name which she is currently occupying. He submits on the analogy of the order passed by this Court in Sukhwinder Singh Vs. State of Punjab 2000(9) SCC 204 for release of the petitioner upon suspension of the remainder of his sentence. Learned counsel for the State seeks some time to verify the current position and whether the victim is living with the family of the petitioner.

Be that as it may the fact that the petitioner Chetan s/o Popat Lal Bhalgat has already undergone four years imprisonment and has already entered into matrimony with the victim and transferred immoveable property distinguishes his case from the rest.

Having regard to the fact that the victim has filed an affidavit to the effect that she is living as the wife of the said petitioner, we are inclined to grant interim suspension of sentence awarded to the said petitioner.

We accordingly grant three months' time to the State Government to verify the position and file an affidavit. In the meantime we direct that for a period of six months from today the remainder of sentence awarded to A\_13 Chetan s/o Popat Lal Bhalgat shall remain suspended upon his furnishing bail bonds in a sum of Rs. 20,000/- with two sureties in the like amount to the satisfaction of the Trial Court. He shall be released from custody on doing the needful in case he is not required in any other case,

As regards the remaining petitioners their applications shall stand dismissed. Liberty is however reserved to the petitioners to refresh their prayer for suspension if their petitions are not for any reason heard and disposed of within a period of one year.

Post the SLPs for final disposal on 15.07.2014.

| (Shashi Sareen)  
| Court Master

| | (Veena Khera)  
| | Court Master

|