

\204\$  
SLP(Cr1.)No. 3705 OF 2000

ITEM No.47

Court No. 4

SECTION II  
A/N MATTER

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 (Cr1.) No. 3705/2000  
(From the judgement and order dated 21/08/2000 in BA 98/00  
of The HIGH COURT OF GAUHATI AT AGARTHALA)

STATE OF TRIPURA

Petitioner (s)

VERSUS

KEFRU MOG & ORS.

Respondent (s)

( With Appln(s). for directions )

Date : 19/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE R.P. SETHI

For Petitioner (s) Mr. Krishnan, Sr. Adv.  
Mr. Gopal Singh, Adv.

For Respondent (s) Mr. KV Mohan, Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J

.SP2

Leave granted.  
Appeal disposed of.

.SP1

Hemalatha

(HK Bhatia)  
Court Master

(Signed order is placed on file)

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.203/2001@@  
CCCCCCCCCCCCCCCCCCCCCCCCCCCC  
(Arising out of SLP(Cr) No. 3705/2000)

.....L.....I.....T.....T.....T.....T.....T.....T.....J

STATE OF TRIPURA .. APPELLANT

VS.

KEFRU MOG & ORS. .. RESPONDENTS

O R D E R@@  
CCCCCCCC

.SP2

Leave granted. The State of Tripura has filed this appeal when the High Court of Guwahati (Agartala Bench) has suspended the sentence passed on 14 respondents who were convicted of the offence under Section 302 read with Section 149 etc.of the IPC. We are told that 13 persons were killed in the episode which gave rise to the prosecution and the final conviction of the respondents.

The reason for suspending the sentence of these 13 persons, inter alia, is that "the appeal is not likely to be disposed of expeditiously". The respondents were convicted on 25.3.1999 and the appeal was admitted on 23.4.1999 by the High Court. The sentences were suspended by the High Court on 21.8.2000.

We cannot concur with the view that within such a short time persons found guilty of the offence under Section 302 read with Section 149 of the IPC can have the benefit of being bailed out, merely on the ground that the appeal is not likely to be disposed of expeditiously. We are not told as what would stand in the way of the

..2/-

-2-

High Court (Agartala Bench) to dispose of the appeal expeditiously. If the appeal was pending for a very long time and an application is made for suspension of the sentence on the ground that the appeal has not yet been disposed of and there is no reasonable prospect of that appeal reaching the stage of being disposed of, it is a different matter whether the High Court would be justified then to consider that as a ground for suspending the sentence.

We are of the considered opinion that the High Court went wrong in suspending the sentence passed against these respondents, particularly when 13 persons were killed in the episode which gave rise to the said conviction. We therefore set aside the impugned order. we are told that all the respondents are back in jail. This is recorded.

The Criminal Appeal is disposed of.

.SP1

.....J.  
(K.T. Thomas)

New Delhi  
Dated February 19, 2001

.....J.  
(R.P. Sethi)