

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1703 OF 2012
(Arising out of SLP(Crl) No. 4514 of 2012)

SANENDRA KAUSHIK

Appellant

VERSUS

STATE OF U.P. & ANR

Respondents

O R D E R

1. Leave granted.

2. This appeal arises out of the interim order passed by the High Court of Judicature at Allahabad in Criminal Appeal No. 1646 of 2012. By the impugned order, the High Court has granted bail to the respondent no.2, subject to certain conditions, during the pendency of the appeal before the High Court.

3. The Trial Court had convicted and sentenced respondent no.2 for offence punishable under Section(s) 147, 148, 149 & 307 of the Indian Penal Code, 1860 and imposed punishment of five years with fine. Aggrieved by the said order, respondent no.2 has preferred an appeal and the same is pending before the High Court. During the pendency of the appeal, respondent no.2 had made a request before the High Court for suspension of sentence awarded by the Trial Court. The High Court, after considering the plea of the learned counsel for the respondent no.2 as well as the learned counsel for the complainant, has suspended the sentence during the pendency of the appeal and released him on bail. Aggrieved by the said order, the complainant is before us in this appeal.

4. Learned counsel appearing for the appellant would submit that the respondent no.2, during trial, has again indulged himself in a serious offence and, therefore, the respondent no.2 is not entitled for discretionary relief of bail.

5. We have carefully perused the order passed by the High Court.

6. While considering this appeal, we have taken into consideration the punishment imposed by the Trial Court and also the pendency of the appeal before the High Court. In our opinion, the appeal may not be disposed of within a reasonable time, since the appeal relates to the year 2011.

7. In view of the above, we are of the opinion that the High Court has not committed any error while exercising its discretionary jurisdiction to suspend the sentence and grant bail to respondent no.2. Therefore, appeal deserves to be dismissed and is dismissed.

Ordered accordingly.

