

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 (Cr1) No(s).5653/2011

(From the judgement and order dated 31/01/2011 in SBCRA No.395/2010,
of The HIGH COURT OF RAJASTHAN AT JAIPUR)

MAHENDRA Petitioner(s)

VERSUS

STATE OF RAJASTHAN Respondent(s)

(With appln(s) for exemption from filing O.T.,bail and office report)

Date: 13/02/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. Sushil Kumar Jain, Adv.
Mr. Puneet Jain, Adv.
MS. Rachita P.Rai, Adv.
MS.Christi Jain, Adv.
Ms. Pratibha Jain, Adv.

For Respondent(s) Mr. Prashant Bhagwati, Adv.
Mr. Milind Kumar, Adv.

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

Leave granted.
The appeal is disposed of in terms of the signed
order

(Shashi Sareen) (Veena Khara)
Court Master Court Master
(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 359 OF 2012
(Arising out of SLP(Cr1.) No. 5653 of 2011)

MAHENDRA ... Appellant(s)

Versus

STATE OF RAJASTHAN ... Respondent(s)

O R D E R

Leave granted.

This appeal arise out of an order dated 31.01.2011 passed by the High Court of Rajasthan in Criminal Appeal No. 395 of 2010, whereby the High Court has declined to suspend the sentence awarded to the appellant for an offence under Section 307, read with Section 149 of the Indian Penal Code.

Mr. S.K. Jain, learned counsel appearing for the appellant submits that appellant had already served nearly three years imprisonment as in February, 2011. He further submits that two other co-accused convicted for the same offence have already been enlarged on bail by the High Court. The possibility of an early disposal of the appeal filed by the appellant does not appear to be bright.

In the circumstance, we are of the view that the appellant had made out a case for suspension of the sentence awarded to him.

-2-

We accordingly allow this appeal, set-aside the order passed by the High Court and suspend the sentence awarded to the appellant and direct release of the appellant on bail on his furnishing bail bonds in a sum of Rs. 25,000/- with two sureties of the like amount to the satisfaction of the trial court.

The appeal is disposed of with the above direction.

.....J.
(T.S.THAKUR)

.....J.
(GYAN SUDHA MISRA)

New Delhi,
February 13, 2012