

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).7352/2008

(From the judgement and order dated 27/06/2008 in CRLA No. 1036/2007
& IA No. 1214/2008 of The HIGH COURT OF JHARKHAND AT RANCHI)

UMESH KUMAR SINGH@UMESH SINGH@UMESH KR.

Petitioner(s)

VERSUS

STATE OF JHARKHAND THR.CBI
(With office report)

Respondent(s)

WITH SLP(Crl) NO. 1375 of 2009
(With appln. for bail and office report)
SLP(Crl) NO. 277 of 2009
(With appln. for permission to file additional documents and office report)
SLP(Crl) NO. 624 of 2009
(With appln. for bail and office report)
SLP(Crl) NO. 8076 of 2008
(With appln. for c/delay in filing SLP and bail and office report)

Date: 06/04/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Mr.Gaurav Agrawal,Adv.

For Respondent(s) Mr. Amit Anand Tiwari, Adv.
Mr. B. Krishna Prasad,Adv.

UPON hearing counsel the Court made the following
ORDER

SLP(Crl)No.7352/2008:

Leave granted.

Accordingly, we direct that the appellant shall be
admitted to bail till the disposal of his appeal by the High Court
subject to his furnishing a bail bond in the sum of Rs.25,000/-
(Rupees twenty five only) with one surety in the like amount to
the satisfaction of the trial court.The appeal stands disposed of
accordingly.

..2/-

:2:

SLP(Crl)No.8076/2008:

Delay condoned.

Leave granted.

Accordingly, we direct that the appellant shall be
admitted to bail till the disposal of his appeal by the High Court
subject to his furnishing a bail bond in the sum of Rs.25,000/-
(Rupees twenty five only) with one surety in the like amount to
the satisfaction of the trial court.The appeal stands disposed of
accordingly.

SLP(Crl) No.277/2009:

Learned counsel for the State submits that he has not yet received a copy of the petition. Learned counsel for the petitioner undertakes to do the needful within two days.

Counter affidavit on behalf of respondent shall be filed within four weeks. List thereafter.

SLP(Crl) No.1375/2009:

Though as per office report service is complete but no one appears on behalf of sole respondent.

List after four weeks.

SLP(Crl) No.624/2009:

As per office report service is not yet complete. Let fresh notice be issued returnable within four weeks.

Dasti service, in addition, is permitted.

[Usha Bhardwaj]
Court Master

[Vijay Dhawan]
Court Master

Signed orders in SLP(Crl) No.7352/2008 and SLP(Crl)No.8076/2008 are placed on the file.

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No..... of 2009
(Arising out of S.L.P. (Crl) No.7352 of 2008)

Umesh Kumar Singh @ Umesh Singh @ Umesh Kr.Appellant(s)

Versus

State of Jharkhand Thr.CBI

.....Respondent(s)

ORDER

Leave granted.

The appellant stand convicted for offences under Section 420, 468, 477A and 120B IPC and under Section 13(1)(c) and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988. He has been awarded sentence ranging between rigorous imprisonment for a period of 3 years to a period of 5 years. The sentences have been directed to run concurrently.

Aggrieved by the said conviction and sentences the appellant preferred an appeal before the High Court of Jharkhand at Ranchi. He also moved an application for suspension of sentence awarded to him. Although the appeal was admitted for consideration but vide order dated 27th June, 2008 in IA.No.1214 of 2008 the prayer for suspension of sentence was declined. While rejecting the said prayer

the High Court has ordered that the appellant would be at liberty to move for bail after serving half of the period of the maximum sentence awarded to him.

..2/-

:2:

Aggrieved, the appellant is before us in this appeal.

We have heard learned counsel for the parties.

Having regard to the facts and circumstances of the case, including the period of sentence already undergone by the appellant, we are of the opinion that at this stage it is a fit case where the sentence awarded to the appellant deserves to be suspended pending disposal of the appeal.

Accordingly, we direct that the appellant shall be admitted to bail till the disposal of his appeal by the High Court subject to his furnishing a bail bond in the sum of Rs.25,000/- (Rupees twenty five only) with one surety in the like amount to the satisfaction of the trial court.

The appeal stands disposed of accordingly.

.....J.
[D.K. JAIN]

.....J.

[R.M. LODHA]
NEW DELHI,
APRIL 06, 2009.
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No..... of 2009
(Arising out of S.L.P. (Crl) No.8076 of 2008)

Umesh Kumar @ Umesh Kumar Singh

.....Appellant(s)

Versus

State of Jharkhand Thr.CBI

.....Respondent(s)

ORDER

Delay condoned.

Leave granted.

The appellant stands convicted for offences under Section

420, 468, 471, 465 and 120B IPC. He has been awarded sentences for the said offences, ranging between rigorous imprisonment for a period of 2 years to a period of 6 years. The sentences have been directed to run concurrently.

Aggrieved by the said conviction and sentences the appellant preferred appeal to the High Court of Jharkhand at Ranchi. He also moved an application for suspension of sentence awarded to him. The appeal was admitted for consideration but vide order dated 27th June, 2008 in IA.No.1213 of 2008 the prayer for suspension of sentence was declined. While rejecting the said prayer the High Court has ordered that the appellant would be at liberty to move for bail after serving half of the period of the maximum sentence awarded to him.

..2/-

:2:

Aggrieved, the appellant is before us in this appeal.

We have heard learned counsel for the parties.

Having regard to the facts and circumstances of the case, including the period of sentence already undergone by the appellant, we are of the opinion that at this stage it is a fit case where the sentence awarded to the appellant deserves to be suspended, pending disposal of the appeal.

Accordingly, we direct that the appellant shall be admitted to bail till the disposal of his appeal by the High Court, subject to his furnishing a bail bond in the sum of Rs.25,000/- (Rupees twenty five only) with one surety in the like amount to the satisfaction of the trial court.

The appeal stands disposed of accordingly.

.....J.
[D.K. JAIN]

.....J.

[R.M. LODHA]
NEW DELHI,
APRIL 06, 2009.