
(2005) 03 DEL CK 0196

In the Delhi High Court

Case No : Criminal M.B. 1755 of 2005 in Criminal A. No. 623 of 2004

Nitin

APPELLANT

Vs

State of Delhi

RESPONDENT

Date of Decision : 14-03-2005

Acts Referred:

Citation : (2005) 03 DEL CK 0196

Hon'ble Judges : Ramesh Chand Jain, J

Bench : Single Bench

Advocate : S.K. Bhalla, for the Appellant; Sunil Kapoor, Assistant Public Prosecutor, for the Respondent

Final Decision : Dismissed

Judgement

R.C. Jain, J.—The appellant, who has been convicted for the offence punishable u/s 307/34 IPC and has been sentenced to undergo RI for five years and to pay fine of Rs. 1,000/- fine, seeks suspension of his sentence and release on bail till the disposal of the appeal primarily on the grounds that the co-accused Rohit Kumar, who was also convicted and sentenced along with the present appellant, has been admitted to bail vide an order of this Court dated 29.11.2004 and that the case of the appellant is no different; there is no cogent and concrete evidence brought on record against the appellant and that the appellant was on bail during trial and has already undertone about six months of sentence.

2. The prayer is opposed by the learned APP for the State on the ground that the role of the appellant herein, is not similar to the co-convict Rohit Kumar, whose sentence has been suspended. It is urged that the appellant has been found guilty of a grave charge and the injured PW4 Shrikant Dixit has suffered as many as three incised wounds, one on the vital part i.e. Chest, for which he was operated upon and remained admitted in the hospital for several days.

3. Having regard to the totality of facts and circumstances of the case, the gravity of the charge for which he has been found guilty and the role attributable

to the appellant, is of the considered opinion that the role of the appellant is graver than the role of Rohit Kumar, whose sentence has been suspended, and, Therefore, no parity can be claimed with the case of Rohit Kumar.

4. In the opinion of this Court, no good ground is made out for the suspension of sentence of the appellant and his release at this stage.

5. Dismissed.

Crl.A.623/2004

Appeal be listed in due course.