
(2000) 09 SC CK 0162

In the Supreme Court Of India

Case No : Criminal Appeal No. 3238 of 2000

Suresh Kumar and Others

APPELLANT

Vs

State (NCT of Delhi)

RESPONDENT

Date of Decision : 29-09-2000

Acts Referred:

Indian penal code 1860 — Section 307,34

Citation : (2002) 9 SCC 608

Hon'ble Judges : R. P. Sethi, J;K. T. Thomas, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Issue notice.
2. Mr. D.S. Mehra accepts notice on behalf of State.
3. Leave granted,
4. In this matter appellants have been convicted under Section 307 read with Section 34 of Indian Penal Code and each was sentenced to imprisonment for a period of 3 years and to pay a fine of Rs. 2000/-. When they moved for suspension of the sentence of imprisonment, the High Court refused to do so for which just one line order had been passed by learned Single Judge which is extracted below:

"Heard learned Counsel for the parties. Dismissed".
5. This Court has stated in Bhagwan Rama Shinde Gosai and Ors. v. State of Gujarat [JT 1999 (1) SC 1 = 1999 (4) SCC 421]. "When a convicted person is sentenced to a fixed period of sentence and when he files an appeal under any statutory right, suspension of sentence can be considered by the Appellate Court liberally, unless there are exceptional circumstances".
6. No exceptional circumstance has been highlighted by the learned Single Judge

for deviating, the aforesaid course suggested by this Court. We, therefore, allow this appeal and order the suspension of the sentence of imprisonment passed on the appellants during the pendency of the appeal before the High Court. They shall be released on bail on each of them executing a bond with two solvent sureties to the satisfaction of the trial court.

7. This appeal is disposed of accordingly.