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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 365/2020

CHARUDASS

..... Appellant

Through: Ms. Aishwarya Rao, Advocate
(DHCLSC)

versus

STATE

..... Respondent

Through: Mr. Tarang Srivastava, APP for State
with Insp. Raj Kumar Pal and Insp.
(main IO) Anil Kr., PS Najafgarh

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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13.12.2023

CRL.M.A.34102/2023 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.M.(BAIL) 1752/2023

3. The present appeal has been preferred by the appellant seeking setting aside of the judgment dated 29.01.2020 and order on sentence dated 04.02.2020 passed by learned trial Court in S.C. No.440776/2016, FIR No.107/2015, registered at Police Station Najafgarh, Delhi for the offences under Sections 302/201/120-B/34 IPC whereby she was convicted and sentenced to undergo rigorous imprisonment for life for the offence punishable U/s 302 IPC read with Section 120-B IPC with a fine of Rs.20,000/- and in default of payment of fine, she was further sentenced to undergo simple imprisonment for 3 months. The appellant was further sentenced to undergo rigorous imprisonment for 2 years for the offence

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punishable U/s 201 IPC with a fine of Rs.5,000/- and in default of payment of fine, she was further sentenced to undergo simple imprisonment for 3 months. Both the sentences were directed to run concurrently.

4. Vide this application, the appellant is seeking suspension of sentence of the appellant in the aforesaid FIR during pendency of present appeal.

5. Notice issued.

6. Learned APP for State accepts notice and has opposed the present application by submitting that there are serious allegations against the appellant, therefore, the present application deserves to be dismissed.

7. As per nominal roll dated 5.12.2023, the appellant has already undergone incarceration for a period of 8 years 9 months 15 days and has earned remission of 1 year 3 months as on 01.12.2023. Thus, as on date, she has undergone incarceration for more than 10 years. Moreover, her conduct in jail is satisfactory and there is no other pending case against him.

8. Keeping in view the aforesaid facts, we hereby suspend the sentence of the appellant during the pendency of the appeal. The appellant be released on bail, if not required in any other case, on her furnishing a bail bond of Rs.5,000/- with one surety of like amount to the satisfaction of the learned Trial Court.

9. Copy of the order be transmitted to the concerned jail authorities for compliance.

10. Application stands disposed of.

SURESH KUMAR KAIT, J

SHALINDER KAUR, J

DECEMBER 13, 2023/rk