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

+ CRL.A. 308/2023

SATBIRO

..... Appellant

Through: Mr. Mukesh Kalia, Mr. Anirudh
Yadav and Mr. Jitender Gupta,
Advocates

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr. Laksh Khanna, APP for State
with Insp. Dinesh Rana, PS Sector 23,
Dwarka
Mr. Anupam S. Sharrma, Advocate
with complainant in person

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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30.10.2023

CRL.M.(BAIL) 484/2023

1. The present appeal has been preferred by the appellant seeking quashing/setting aside of the judgment dated 03.01.2023 and order on sentence dated 18.03.2023 passed by learned trial Court in S.C. No.440351/2016, FIR No.929/2007, for the offences under Sections 498-A/304-B/302/201/34 IPC, registered at Police Station Dwarka, Delhi whereby the appellant was held guilty and sentenced to undergo rigorous imprisonment for 7 years for the offence punishable under Section 304-B IPC and to pay fine of Rs 10,000/-. In default of payment of fine, the



appellant was directed to further undergo SI for 3 months. Appellant was further sentenced to undergo rigorous imprisonment for 3 years for the offence punishable under Section 498-A IPC and to pay fine of Rs 5,000/-. In default of payment of fine, appellant was directed to further undergo SI for 3 months. All the sentences and default sentences were directed to run concurrently. In order to provide compensatory justice to the family of deceased, the appellant was further directed to pay a sum of Rs. 25,000/- to the parents of deceased and in default of payment of compensation amount, appellant was directed to further undergo simple imprisonment for 3 months.

2. Vide this application, the appellant is seeking suspension of sentence in case FIR No.929/2007, for the offences under Sections 498-A/304-B/302/201/34 IPC, registered at Police Station Dwarka, Delhi during pendency of the appeal.

3. Though the learned APP for State has strongly opposed the present application, however, keeping in view the fact that as per nominal roll dated 08.05.2023, the appellant has already undergone sentence for 1 year, 8 months and 06 days. Thus, as on date, the appellant has already undergone incarceration for more than two years and appellant's conduct in jail is satisfactory. There is no other case pending against the appellant. Moreover, the appellant's age is more than 65 years.

4. We have perused the Medical Certificate dated 08.05.2023 issued by Office of Senior Medical Officer, Central Jail 06 Dispensary, Tihar, New Delhi wherein it is mentioned that as per available records, appellant is a follow-up case of hypertension/breathing difficulty and decreased vision of bilateral eye.

5. Keeping in view the aforesaid facts and the fact that the present



appeal is of the year 2023 and also that there are old appeals pending before us and the hearing of present appeal shall take substantial time, accordingly, we hereby suspend the sentence of the appellant during the pendency of the appeal. Accordingly, the appellant be released on bail, if not required in any other case, on his furnishing a bail bond of Rs.10,000/- with one surety of like amount to the satisfaction of jail superintendent concerned.

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

7. Application stands disposed of.

SURESH KUMAR KAIT, J

SHALINDER KAUR, J

OCTOBER 30, 2023/rk