

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1601 OF 2017  
(Arising out of SLP (Criminal) No. 3938 of 2017)

PRAKASH KUMAR ... Appellant

VERSUS

STATE OF RAJASTHAN ... Respondent

WITH

CRIMINAL APPEAL NO. 1602 OF 2017  
(Arising out of SLP (Criminal) No. 5614 of 2017)

O R D E R

Leave granted.

The trial Court has convicted the appellants under Sections 302 and 460 of the Indian Penal Code (IPC) along with other co-accused persons and against that conviction, appeals were filed by the appellants which are pending in the High Court. During the pendency of the appeals, the appellants moved applications for suspension of sentence. However, these applications were rejected by the High Court and challenging those orders, these appeals are preferred.

Learned counsel for the appellants submitted that the co-accused who were, in fact, the main culprits, as per the case set up by the prosecution, have been granted bail by the High Court. He has drawn our attention to orders passed by the High Court in this behalf. It is submitted that

while passing the impugned order, the High Court has totally ignored the aforesaid aspect which was pressed before the High Court. In the nutshell, claiming parity, the appellants are also seeking suspension of sentence.

We find force in the aforesaid argument of the learned counsel for the appellants. In these circumstances, the remaining sentence of the appellants is suspended till the disposal of the appeals before the High Court and the appellants are directed to be enlarged on bail on the terms and conditions that may be stipulated by the trial Court.

The appeals stand disposed of.

....., J.  
[ A.K. SIKRI ]

....., J.  
[ ASHOK BHUSHAN ]

New Delhi;  
September 12, 2017.

ITEM NO.5

COURT NO.6

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No. 3938/2017

PRAKASH KUMAR

... Petitioner

VERSUS

STATE OF RAJASTHAN

... Respondent

(With IA 8289/2017 - FOR EXEMPTION FROM FILING O.T.)

WITH

Petition(s) for Special Leave to Appeal (Crl.) No.5614/2017

(With IA No.61864/2017-EXEMPTION FROM FILING O.T.)

Date : 12-09-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Appellant(s) Mr. H. D. Thanvi, Adv.  
Ms. Preeti Thanvi, Adv.  
Mr. Rishi Matoliya, AOR  
  
Mr. Rishabh Sancheti, Adv.  
Mr. Parijata Bhardwaj, Adv.  
Mr. P. V. Saravana Raja, AOR

For Respondent(s) Mr. Milind Kumar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeals stand disposed of in terms of the signed  
order.

(NIDHI AHUJA)  
COURT MASTER

(MALA KUMARI SHARMA)  
COURT MASTER

[Signed order is placed on the file.]