

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NOS.710-711 OF 2020
(@ out of SLP (CrI.) No. 3795-3796/2020)

SARFRAZ MIAN

Appellant

VERSUS

THE STATE OF JHARKHAND & ORS.

Respondent

O R D E R

Leave granted.

These appeals challenge the judgment and order dated 29.05.2020 passed by the High Court of Jharkhand at Ranchi in I.A. No.740/2020 in Criminal Appeal(S.J.) No.873/2019.

The appellant stands convicted for the offences punishable under Sections 147, 148, 149, 452/149, 452/149, 323/149, 324/149, 380, 504/149, 427/149, 379/149, 429/149, 307/149 IPC in Sessions Trial No.222 of 2011 on the file of Additional Sessions Judge-I, Giridih, Jharkhand. The substantive sentences in respect of said offences are for terms extending from 1 year to 5 years. The maximum sentence thus is for five years and the appellant has already completed 17 months of actual imprisonment.

His application seeking suspension of sentence in pending appeal having been rejected by the High Court, the present appeals have been preferred by the appellant-accused.

Looking into the circumstances on record and especially the fact that as against the maximum period of five years, the appellant has completed 17 months of actual imprisonment, in our view, case for suspension of sentence is made out.

We therefore, allow this appeal and suspend the sentence during the pendency of Cr1. Appeal (S.J.) No.873//2019 in the High Court of Jharkhand.

The appellant shall be produced before the Trial Court within seven days from today and the Trial Court shall release the appellant on bail on such conditions as the Trial Court may deem appropriate to impose.

The appeals are allowed accordingly.

.....J.
(UDAY UMESH LALIT)

.....J.
(VINEET SARAN)

.....J.
(S. RAVINDRA BHAT)

New Delhi,
October 28, 2020.

