

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 453 of 2020
[@ Special Leave to Appeal (CrI.) No(s). 508/2020]

NOHID

Appellant(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

This appeal has been filed against interim order dated 12.12.2019 passed by the High Court of Judicature of Bombay in Criminal Application No. 3508/2019 by which the earlier order passed on 27.03.2019 in Criminal Application No. 3855/2018 in favour of the appellant for suspension of sentence was recalled and bail was cancelled. The reason given by the High Court in its order is that the earlier application for suspension of sentence was withdrawn by the accused, hence order dated 27.03.2019 could not have been passed suspending the sentence.

The mere fact that the application was permitted to be withdrawn at an earlier stage does not in any manner inhibit the jurisdiction for suspending the sentence on being satisfied that the case was made for suspension of the sentence. It appears that the High Court has reviewed its earlier view that it was a case for suspension of sentence.

We are of the view that the High Court being satisfied in its

order dated 27.03.2019 on merits that it was a case for suspension of sentence, the said order could not be recalled by the impugned order.

The order dated 12.12.2019 passed by the High Court is set aside. The criminal appeal is allowed.

Pending application, if any, stands disposed of.

.....J.
[ASHOK BHUSHAN]

.....J.
[M.R. SHAH]

.....J.
[V. RAMASUBRAMANIAN]

NEW DELHI;
17th June, 2020.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 508/2020

(Arising out of impugned final judgment and order dated 12-12-2019 in CRLA No. 3508/2019 passed by the High Court Of Judicature At Bombay At Aurangabad)

NOHID

Petitioner(s)

VERSUS

THE STATE OF MAHARASHTRA

Respondent(s)

Date : 17-06-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Sudhanshu S. Choudhari, AOR

For Respondent(s) Mr. Sachin Patil, AOR
Mr. Rahul Chitnis, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The criminal appeal is allowed in terms of the signed order.

Pending application, if any, stands disposed of.

(MEENAKSHI KOHLI)
AR-cum-PS(RENU KAPOOR)
BRANCH OFFICER

[Signed order is placed on the file]