

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 253 of 2020  
( @ Special Leave to Appeal (CrI.) No(s).11757/2019 )

SUSHILA DEVI ... Appellant(s)

*VERSUS*

THE STATE OF BIHAR ... Respondent(s)

O R D E R

Leave granted.

The appellant was convicted for offences under Sections 448, 341, 323, 324, 326 and 307/34 IPC and sentenced to life imprisonment. She filed an appeal which is pending before the High Court. The application filed by her for suspension of sentence was rejected by the High Court. We are informed by the learned counsel for the appellant that she is 81 years old and suffering from various ailments and has been in Jail since 28.09.2018. The learned counsel for the State submits that the tender age of the survivor and the manner in which the incident occurred have to be taken into account to decide the request for suspension of sentence.

The criminal appeal is of the year 2018 and in all likelihood, the appeal cannot be heard soon. Without expressing any opinion on the merits of the allegations

that have been made on the basis of which, the appellant was convicted by the trial Court, we deem it a fit case for suspension of the sentence of the appellant.

The appellant is directed to be released, subject to the satisfaction of the trial Court.

The appeal is accordingly, allowed. Pending application, if any stand disposed of.

.....J  
(L.NAGESWARA RAO)

.....J  
(HEMANT GUPTA)

NEW DELHI;  
10<sup>th</sup> February, 2020

ITEM NO.28

COURT NO.11

SECTION II-A

**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 (CrI.) No(s).11757/2019

(Arising out of impugned final judgment and order dated 08-04-2019 in CRADB No. 1377/2018 passed by the High Court Of Judicature At Patna)

SUSHILA DEVI

Petitioner(s)

VERSUS

THE STATE OF BIHAR

Respondent(s)

(FOR ADMISSION and I.R. and IA No.192233/2019-CONDONATION OF DELAY IN FILING and IA No.192236/2019-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.192238/2019-EXEMPTION FROM FILING O.T. and IA No.192234/2019-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

Date : 10-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO  
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Subhro Sanyal, AOR

For Respondent(s) Mr. Shivam Singh, Adv.  
Mr. Manish Kumar, AOR  
Mr. Jaideep Khanna, Adv.

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

Leave granted.

The appeal is allowed in terms of the  
signed order. Pending application, if any, stand  
disposed of.

(B.Parvathi)  
Court Master

(Anand Prakash)  
Court Master

(Signed order is placed on the file)