

ITEM NO.55

COURT NO.4

SECTION IIC

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(S). 9889/2016
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 12/08/2016
IN CRLMB NO. 634/2016 IN CRLA NO. 1371/2014 PASSED BY THE HIGH
COURT OF DELHI AT NEW DELHI)

SHIV SHANKAR MUDGAL

PETITIONER(S)

VERSUS

STATE (NCT OF DELHI)
(WITH INTERIM RELIEF AND OFFICE REPORT)

RESPONDENT(S)

Date : 20/01/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. Amit Sharma, Adv.
Mr. Naresh Daksh, Adv.

For Respondent(s)

Mr. Ranjit Kumar, SG
Ms. Neha Nagpal, Adv.
Dr. Nishesh Sharma, Adv.
Mr. P.S. Sudhir, Adv.
Mr. B.K. Prasad, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed
order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.143 OF 2017

[Arising out of Special Leave Petition (Criminal)
No.9889/2016]

SHIV SHANKAR MUDGAL

...APPELLANT

VERSUS

STATE (NCT OF DELHI)

...RESPONDENT

ORDER

1. We have heard the learned counsels for the parties.
2. Leave granted.
3. The accused appellant has been convicted under Section 376/420/406 IPC and sentenced to undergo rigorous imprisonment for ten years under Section 376 IPC; for five years under Section 420 IPC; and for three years under Section 406 IPC by the learned trial Court. The accused appellant has suffered custody for over three years. The appeal filed by the accused appellant before the High Court is of the year 2014 and hearing of the same is likely to take some time. After taking into account the totality of the facts of the case and the period of custody suffered by the appellant and

also the fact that hearing of the appeal before the High court is likely to take some time, we are inclined to release the appellant on bail. Therefore, the appellant is ordered to be released on bail to the satisfaction of the learned trial Court in connection with SC No.194/13 arising out of FIR No.156 of 2012 dated 1st June, 2012 P.S. Baidapur, New Delhi.

4. The learned trial Court is free to impose appropriate condition(s) as he deems fit.

5. Consequently, the order of the High Court is set aside and the present appeal is disposed of in the above terms.

.....,J.
(RANJAN GOGOI)

.....,J.
(ASHOK BHUSHAN)

NEW DELHI
JANUARY 20, 2017