



IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

CRIMINAL APPEAL NO.2305 OF 2024
(Arising out of SLP (Crl.) No. 5486/2024)

[REDACTED]

APPELLANT(S)

VERSUS

[REDACTED]

RESPONDENT(S)

O R D E R

Leave granted.

Heard learned senior counsel for the appellant as also the learned senior counsel for the respondent-State and perused the appeal papers.

Though the pleadings are voluminous and we have heard learned senior counsel at length, we are of the opinion that expressing any opinion on merits, in a case of the present nature, would not be justified.

In the proceedings against the appellant, having considered the matter, the learned Sessions Court acquitted the appellant for the offences under Sections 376 and 498A IPC, but convicted him for the offences under Sections 377 and 323 IPC, through its judgment dated 23.12.2023. The said judgment has been assailed by the appellant before the High Court and the appeal is pending consideration. In the said appeal, the appellant filed an application seeking suspension of sentence

and grant of bail. The High Court rejected the same through its order dated 14.03.2024. In these circumstances, the appellant is before this Court.

The learned senior counsel for the appellant as well as the learned senior counsel for the respondent have taken us through the appeal papers and adverted to the merits of their rival contentions and the settlement entered into between the parties, who are husband and wife.

Learned senior counsel for the respondent, on that score, would contend that the settlement has not been acted upon and the contentions which were taken, based on the settlement, in the proceedings for quashing, have also not been accepted up to this Court and, therefore, the same should not be the basis. In this regard, we do not express our opinion since the matter is to be considered by the High Court, when the appeal is taken up for consideration.

However, the only aspect which arises for our consideration is whether, in a matter of the present nature, an order of suspension of sentence and grant of bail would be justified.

Though the learned senior counsel for the respondent, in the context of her counter statement, referred to the seriousness of the charge on which the appellant has been

convicted, this is also an aspect which would be considered by the High Court. Though the appellant has been sentenced to undergo a sentence of nine years and out of that, he has undergone a sentence of three months, as pointed out by learned senior counsel for the respondent, the appellant was admitted to the Hospital on several occasions, that by itself would not restrain us from proceeding further to consider the prayer made by the appellant.

What persuades us to consider the prayer is that, as already noted, the appellant and the respondent are husband and wife and even, at this moment, if we do not accept the settlement entered into between the parties, the fact remains that certain financial transactions were also involved and these are aspects which would be looked into subsequently.

Hence, keeping all these aspects in view and without reference to the actual period undergone, in a matter of the present nature, as we are not considering the suspension of sentence of a hardened criminal but, as already indicated, the appellant is the husband of the respondent, we deem it appropriate that the balance would tilt in favour of the appellant for grant of the prayer.

In that view, we order that the sentence imposed through the judgment dated 23.12.2023 passed by the learned Sessions Judge shall remain suspended and the appellant shall be

enlarged on bail subject to appropriate conditions being imposed by the trial court.

For the purpose of imposing such conditions and for issuance of release order, the appellant shall be produced forthwith before the trial court.

The appeal is, accordingly, disposed of.

..... J.
(A.S. BOPANNA)

..... J.
(SANJAY KUMAR)

New Delhi;
April 29, 2024

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

Petition for Special Leave to Appeal (Crl.) No.5486/2024

(Arising out of impugned final judgment and order dated 14-03-2024 in IA No. 1/2024 in CRA No. 116/2024 passed by the High Court of Chhatisgarh at Bilaspur)

[Redacted]

Petitioner(s)

VERSUS

[Redacted]

Respondent(s)

(IA No.94336/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.94338/2024-EXEMPTION FROM FILING O.T. and IA No.94337/2024-PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 29-04-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE SANJAY KUMAR

For Appellant(s) Mr. Mukul Rohtagi, Sr. Adv.
Mr. Sidharth Luthra, Sr. Adv.
Mr. Zulfiquar Memon, Adv.
Mr. Parvez Memon, Adv.
Mr. Vivek Jain, Adv.
Mr. Mrinal Bharti, Adv.
Mr. Swapnil Srivastava, Adv.
Mr. Kush Agarwal, Adv.
Mr. Manish Shekhari, Adv.
Mr. Jayesh Srivastava, Adv.
Ms. Sanjana Srivastava, Adv.
M/S. Mzm Legal Delhi LLP, AOR

For Respondent(s) Mr. Gagan Gupta, Sr. Adv.
Mr. Apoorva Bhumesh, AOR
Ms. Madhavi Khare, Adv.

Mr. Prashant Singh, AOR
Mrs. Prerna Dhall, Adv.
Mr. Piyush Yadav, Adv.

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

Leave granted.

The sentence imposed through the judgment dated

23.12.2023 passed by the learned Sessions Judge shall remain suspended and the appellant shall be enlarged on bail subject to appropriate conditions being imposed by the trial court.

The appeal is disposed of in terms of signed order.

Pending application(s) shall stand disposed of.

**(RAJNI MUKHI)
COURT MASTER (SH)**

**(DIPTI KHURANA)
ASSISTANT REGISTRAR**

(Signed order is placed on the file)