

## Sudhir Kumar alias Titu and Another Vs State of Haryana

**Court:** High Court Of Punjab And Haryana At Chandigarh

**Date of Decision:** May 27, 2005

**Acts Referred:** Criminal Procedure Code, 1973 (CrPC) â€” Section 389

**Citation:** (2005) 13 CriminalCC 822

**Hon'ble Judges:** Satish Kumar Mittal, J

**Bench:** Single Bench

**Advocate:** S.S. Dinarpur, No. 1, for the Appellant; Partap Singh, D.A.G., Haryana, for the Respondent

**Final Decision:** Dismissed

### Judgement

@JUDGMENTTAG-ORDER

Satish Kumar Mittal, J.

I have heard counsel for the parties on the application u/s 389 Cr.P.C. for suspension of sentence during the

pendency of appeal, filed by the applicant-appellant. This is a second application for suspension of sentence. Earlier was dismissed on 5.10.2004.

2. The applicant-appellant has been convicted and sentence to undergo rigorous imprisonment for seven years u/s 376 of the Indian Penal Code,

out of which he has undergone more than three years and four months. Counsel for the applicant in support of his contention annexed the custody

certificate.

3. The period of sentence undergone by the applicant has not been disputed by the counsel for the State.

4. This is 2004 appeal and its hearing is likely to take some time. In these circumstances, in view of the law laid down by the Hon"ble Supreme

Court in Bhagwan Rama Shinde Gosai and Others Vs. State of Gujarat, and Kiran Kumar v. State of M.P., 2002 SCC (Cri.) 1017, the sentence

imposed upon the applicant-appellant is suspended subject to his furnishing bail bonds to the satisfaction of Chief Judicial Magistrate/Duty

Magistrate, Jagadhari.