

**(2006) 05 DEL CK 0034**

**Delhi High Court**

**Case No:** Criminal.M.C. 528 of 2006 in Criminal A. 16 of 2006

Sanjay Thakur

APPELLANT

Vs

The State (Govt. of NCT of Delhi)

RESPONDENT

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**Date of Decision:** May 8, 2006

**Citation:** (2006) CriminalCC 225

**Hon'ble Judges:** Manmohan Sarin, J; J.M. Malik, J

**Bench:** Division Bench

**Advocate:** Rajesh Mahajan, for the Appellant; Sunil Sharma and Mr. Jagdish Prasad, for the Respondent

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### **Judgement**

Manmohan Sarin, J.

We have heard Mr. Rajesh Mahajan in support of the application for suspension of sentence of appellant Sanjay Thakur. He submit that the appellant Sanjay Thakur has been in incarceration for a period over 6-1/2 years. He has no criminal antecedents. Mr. Mahajan submits that there is no recovery of weapon of offence at the instance of the appellant. The appellant in the disclosure statement had allegedly pointed out on 1st August, 1999 only the "Parchatti" and ventilator. The hacksaw and its blades and the dagger had been recovered prior to that on 26th July, 1999 on the disclosure statement of Sabu Lal. He submits that as far as last seen is concerned, eye witness PW1 did not support the prosecution case qua the appellant. Mr. Mahajan submits that no motive for crime is attributed to the appellant. Mr. Mahajan further submits that the chance specimen finger prints of the appellant had not been taken after due permission from the learned Magistrate and hence any inference to be drawn in this regard has to be with abundant caution.

2. Considering the facts and circumstances enumerated above and the period of incarceration, we are of the view that a case of suspension of sentence of the appellant is made out. We accordingly suspend the sentence of the appellant on furnishing personal bond in the sum of Rs. 10,000/- with two sureties of the like

amount to the satisfaction of the trial court. Appellant would report to the concerned Police Station on the 7th of every alternate month. In case of any default, the SHO will duly inform the Court.

3. A copy of the bail bond and surety bonds as accepted by the Trial Court, be sent to this Court and placed on the record of this case.

Application is disposed of.

Copy of this order be communicated to the SHO concerned for compliance.