

**Sheel Kumar Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/498851](http://sooperkanoon.com/498851)

**Court :** Madhya Pradesh

**Decided On :** Mar-16-2005

**Reported in :** 2005(2)MPHT189

**Judge :** S.K. Pande, J.

**Acts :** [Prevention of Corruption Act, 1988](#) - Sections 13(1) and 13(2); Code of Criminal Procedure (CrPC) , 1974 - Sections 389 and 389(1)

**Appeal No. :** Criminal Appeal No. 1389/2004

**Appellant :** Sheel Kumar

**Respondent :** State

**Advocate for Def. :** S. Paliwal, Panel Lawyer

**Advocate for Pet/Ap. :** A.K. Jain, Adv.

**Disposition :** Appeal dismissed

**Judgement :**

ORDER

**S.K. Pande, J.**

1. This is an application under Section 389(1), Cr.PC for suspension of order recording conviction of appellant under Section 13(1)(e), 13(2) of the [Prevention of](#)

[Corruption Act, 1988](#) vide impugned judgment dated 11-8-2004 passed by Special Judge, Damoh in Special Case No. 2/98.

2. Vide order dated 20-8-2004, execution of sentence of imprisonment vide impugned judgment was suspended. As has been held in Benzamin Khiro alias Kiro v. State of Orissa and Anr., 1995 Cr.LJ 1682, Ramesh Narang v. Rama Narang and Ors., 1995 Cr.LJ 1685, expression order appealed against under Section 389 does not include conviction. Conviction of appellant can not be suspended under Section 389 or under any other provisions of Code.

3. In M. Srinivasulu Reddy v. State Inspector of Police, Anti Corruption Bureau, 1993 Cr.LJ 558, also it has been held that suspension of conviction pending appeal is not contemplated by provisions of Cr.PC or any Rules or Regulations or other enactment. As such, application seeking suspension of conviction as prayed, fails and is dismissed.

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