

Kiran Kumar Vs. State of M.P.

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Court : Supreme Court of India

Decided On : Aug-28-2000

Reported in : (2001)9SCC211

Judge : K.T. Thomas and; R.P. Sethi, JJ.

Acts : [Code Of Criminal Procedure \(CrPC\), \(Cr.P.C\) 1973](#) - Sections 389, 374;
[Indian Penal Code \(IPC\), 1860](#) - Sections 460, 376, 325, 506

Appeal No. : Criminal Appeal No. 725 of 2000, Arising out of SLP (Crl.) No. 1579 of 2000

Appellant : Kiran Kumar

Respondent : State of M.P.

Judgement :

K.T. Thomas and; R.P. Sethi, JJ.

1. Leave granted.

2. The appellant stands convicted under Sections 460, 376, 325 and 506 of the Indian Penal Code. The maximum sentence imposed on him is imprisonment for a period of seven years on the second count. He filed an appeal and that is pending. But during the pendency of the appeal he moved an application for suspension of the sentence but that was rejected by the High Court as per the impugned order.

We are also told that the High Court has not directed the appeal to be boarded for hearing and disposal.

3. This Court has held in *Bhagwan Rama Shinde Gosai v. State of Gujarat*¹ that when a person is convicted and sentenced to a short-term imprisonment the normal rule is that when his appeal is pending the sentence should be suspended and rejection is only by way of exception and be put forward for such rejection. In such case also every endeavour should be made to have the appeal posted for early hearing and disposal. If the short-term sentence is allowed to run out during the pendency of the appeal, the appeal itself will become, for all practical purposes, infructuous so far as the appellant is concerned. It does not mean that the appellate court should suspend the sentence, if its consequence would be a danger to the society or any other similar difficulties.

4. No exceptional reason had been shown in the impugned order for not suspending the sentence in this case. We, therefore, deem it appropriate to interfere with the said order. We suspend the sentence passed on the appellant during the pendency of the appeal and direct him to be released on bail on his executing a bond with two solvent sureties to the satisfaction of the trial court.

5. Appeal is disposed of accordingly.

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