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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.A. 74/2024**

RAVINDER PRAJAPATI

.....Appellant

Through: Mr. Vinayak Bhandari, Ms. Teesta Mishra and Mr. Jaisal Singh, Advocates.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Satish Kumar, APP for the State.
SI Umesh Dalal, PS Mundka.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

14.01.2025

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1. This hearing has been done through hybrid mode.

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2. The present application under Section 389 of the CrPC seeks suspension of sentence and release of the appellant/applicant on bail during pendency of the captioned appeal in case FIR no. 12/2015 under Sections 498A/304B/201/302 IPC, registered at PS Mundka.

3. The appellant/applicant has been convicted for offences punishable under Sections 498A/304B/201 of the IPC *vide* judgment of conviction dated 27.09.2023 and *vide* order on sentence dated 03.11.2023, the appellant/applicant has been sentenced to undergo 2 years of rigorous imprisonment for offences under Section 498A of the IPC alongwith a fine of Rs. 10,000/- and in default of payment of fine further simple imprisonment for 2 months. Further, the appellant/applicant has been sentenced to undergo 10 years of rigorous imprisonment for offences under Section 304B of the IPC



alongwith fine of Rs. 50,000/- and in default of payment of fine further simple imprisonment for 5 months. The appellant has been sentenced to undergo 3 years of rigorous imprisonment for offences under Section 201 of the IPC alongwith fine of Rs. 10,000/- and in default of payment of fine further simple imprisonment for 2 months.

4. Learned counsel appearing on behalf of the appellant submits that the latter has already undergone more than half of the sentence awarded to him and in terms of judgment passed by Hon'ble Supreme Court in Sonadhar v. The State of Chhattisgarh in SLP 529/2021 dated 07.10.2021, the present application for suspension of sentence may be allowed.

5. As per the nominal roll dated 02.04.2024, the appellant has already undergone a sentence of 5 years 7 months and 27 days approximately including remission.

6. In view of the above nominal roll, the appellant has already undergone more than half of the sentence awarded to him and the appeal is not likely to be taken up for hearing. In view of the aforesaid, the sentence awarded to applicant/appellant, is suspended and he is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one surety of the like amount to the satisfaction of the Trial Court/Link Court, further subject to the following conditions:

- i. The applicant shall not leave the country without prior permission of this Court.
- ii. The applicant shall intimate this Court by way of an affidavit and to the Investigating Officer regarding any change in residential address.
- iii. The applicant shall appear before this Court as and when the matter is taken up for hearing.



- iv. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.
7. In view of the aforesaid, the application is allowed and disposed of accordingly.
8. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
9. Order be uploaded on the website of this Court *forthwith*.
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10. List in due course.

JANUARY 14, 2025/sn

AMIT SHARMA, J

Click here to check corrigendum, if any