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

+ CRL.A. 1139/2015

RAJU V

..... Appellant

Through: Mr.Harish Gulati and Mr.Anindya
Malhotra, Advocate.

versus

CBI

..... Respondent

Through: Mr.Narender Mann, Special PP for
CBI.

AND

+ CRL.A. 1249/2015

D.K SUGAN

..... Appellant

Through: Mr.N.Hariharan, Senior Advocate
with Mr.Ankit Mishra and Mr.Samar
Khan, Advocates.

versus

CBI

..... Respondent

Through: Mr.Narender Mann, Special PP for
CBI.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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18.01.2016

Crl.M.B.No.8329/2015 in Crl.A. No.1139/2015

Crl.M.B. No.8214/2015 in Crl.A. No.1249/2015



1. By filing the above captioned applications, the appellants Raju V. (in Crl.A. No.1139/2015) and D.K.Sugan (in Crl.A. No.1249/2015) are praying for suspension of sentence and grant of bail to them during the pendency of the appeal.

2. I have heard Mr.Harish Gulati, learned counsel for the appellant Raju V., Sh.N.Hariharan, learned Senior Advocate for the appellant D.K.Sugan and Mr.Narender Mann, learned Special PP for the CBI.

3. Vide impugned judgment dated 31.08.2015, all the accused persons namely D.K.Sugan, Om Prakash Mahla, Raju V., Gurcharan Singh, M/s Sweka Powertech Engineers Pvt. Ltd., Tajinder Pal Singh and Jasminder Pal Singh have been convicted for committing the offences punishable under Section 120-B IPC read with Sections 420/467/468/471 IPC and Section 13(1)(d) of PC Act. Accused D.K.Sugan, O.P.Mahla, Raju V. and Gurcharan Singh have also been convicted for substantive offences punishable under Sections 420 IPC and 13(1)(d) r/w Section 13(2) of PC Act, accused M/s Sweka Powertech Engineers Pvt. Ltd. and J.P.Singh have also been convicted for substantive offences punishable under Sections 420/471 IPC and accused T.P.Singh has also been convicted for substantive offences punishable under Sections 420/467/468/471 IPC. Vide order on sentence dated 02.09.2015, all the accused persons have been sentenced for the offences for which they have been convicted.

4. The appellants herein i.e. Raju V. and D.K.Sugan have been sentenced as under:

- | | | |
|--|---|--|
| (i) Under Section 120-B IPC read with Sections 420/467/468/471 IPC and Section 13(1)(d) of PC Act. | - | to undergo RI for two years with fine of ₹ 10,000/- each and in default of payment of fine, to undergo RI for one month. |
|--|---|--|



- (ii) Under Section 420 IPC - to undergo RI for four years with fine of ₹10,000/- each and in default of payment of fine, to undergo RI for one month.
- (iii) Under Section 13(1)(d) r/w Section 13(2) of PC Act - to undergo RI for four years with fine of ₹ 10,000/- each and in default of payment of fine, to undergo RI for one month.

5. All the sentences were ordered to be run concurrently.

6. It has been submitted on behalf of the appellants that co-convicts J.P.Singh, Om Prakash Mahla and Gurcharan Singh have already been granted bail by this Court vide order dated 23.11.2015 passed in CrI.M.B.Nos.7747, 7765 and 7973 of 2015 respectively. Copy of the order dated 23.11.2015 has also been placed on record.

7. I have perused the order dated 23.11.2015 whereby bail was granted to above three co-convicts. The concluding paras no.21 and 22 of order is extracted hereunder:-

'21. Noting all these submissions but without commenting on the merits of the same and making it clear that any observation made in this order will not influence the final judgment; the roles of each of the three appellants being that they were a part of the conspiracy to commit the so called forgery/alteration which was done by T.P. Singh; the additional factum of the period of incarceration suffered by each of them having been noted as also the fact that the appeals are not likely to be heard in the near future, this Court deems it fit to suspend the sentence of the appellants.

22. Accordingly, the substantive sentence of each of the three appellants is suspended and they are admitted to bail on their furnishing personal bond in the sum of Rs.50,000/- each

CRL.A. Nos.1139/2015 & 1249/2015

Page 3 of 4



with one surety each of the like amount to the satisfaction of the concerned Trial Court with the condition that they shall appear before the appeal Court as and when their appeals are taken up for hearing; change of address, if any, shall be intimated to the local SHO.'

8. On behalf of CBI, Mr.Narender Mann, learned Special PP does not dispute that except co-convict T.P.Singh, the role of these two appellants namely Raju V. and D.K.Sugan is almost similar to the co-convicts namely J.P.Singh, Om Prakash Mahla and Gurcharan Singh, who have been granted bail vide order dated 23.11.2015.

9. As per the nominal roll of the appellant Raju V., as on 08.01.2016 he has undergone seven months and three days out of the total sentence awarded to him.

10. Nominal roll of the appellant D.K.Sugan has also been received as per which, as on 09.01.2016 he has undergone one year, three months and twenty-seven days out of the total sentence awarded to him.

11. In the given circumstances, on parity, the substantive sentences of these two appellants namely Raju V. and D.K.Sugan are suspended during the pendency of the appeals and they are admitted to bail on their furnishing personal bond in the sum of Rs.50,000/- each with one surety each of the like amount to the satisfaction of the concerned Trial Court with the condition that they shall appear before the appellate Court as and when their appeals are taken up for hearing; change of address, if any, shall be intimated to the local SHO as well to be informed to this Court.

12. Applications stand disposed of.

As prayed, copy of the order be given dasti to learned counsel for the parties under the signature of the Court Master.

PRATIBHA RANI, J.

JANUARY 18, 2016/ 'st'

CRL.A. Nos.1139/2015 & 1249/2015

Page 4 of 4