



SLPR 8388/2024

ITEM NO.27

COURT NO.16

SECTION II-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No.8388/2024

**(Arising out of impugned final judgment and order dated 22-04-2024
in IA No.5476/2024 passed by the High Court of M.P. at Indore)**

BHERULAL

Petitioner(s)

VERSUS

THE STATE OF MADHYA PRADESH

Respondent(s)

**(With IA No.136505/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.136504/2024-EXEMPTION FROM FILING O.T. and IA
No.136503/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES)**

Date : 03-07-2024 This petition was called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE UJJAL BHUYAN
(VACATION BENCH)**

For Petitioner(s)

**Mr. Anup Kumar, AOR
Mrs. Neha Jaiswal, Adv.
Mr. Shivam Kumar, Adv.
Ms. Pragya Choudhary, Adv.
Ms. Shruti Singh, Adv.**

For Respondent(s)

Signature Not Verified


Digitally signed by
CHETAN KUMAR
Date: 2024.07.03
18:01:12 IST
Reason: 

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 The petitioner herein was put to trial in the court of First Additional Sessions Judge, Mandasaur, State of Madhya Pradesh for the offence punishable under Sections 420, 467, 468, 471, 120-B and 201 of the Indian Penal Code.
- 2 The trial court held the petitioner guilty of the offence enumerated above and sentenced him to undergo four years of maximum rigorous imprisonment with fine of Rs 5,000.
- 3 The petitioner thereafter preferred an appeal before the High Court of Madhya Pradesh at Indore Bench being Criminal Appeal No 5480 of 2023 against the judgment and order of conviction passed by the trial court. The petitioner also preferred an application before the High Court with a prayer that the substantive order of sentence passed by the trial court be suspended from its operation and he be released on bail pending the final disposal of the appeal. We are informed that more than one application was filed over a period of time for getting the sentence suspended from its operation. All came to be rejected.
- 4 It appears that the petitioner herein is seventy years of age and is ailing. We are informed that as on date his vision is almost 90% impaired. We also take notice of the fact that the petitioner has already undergone two years of sentence.
- 5 The law is well settled that if the sentence imposed by the trial court is for a fixed term, then ordinarily the appellate court should consider the plea for suspension of sentence liberally, unless there are any exceptional circumstances emerging from the record of the case to decline such relief. There is nothing observed by the High Court in its impugned order as to why the plea for suspension of sentence deserved to be declined. The High Court has not said anything about any exceptional circumstances.

- 6 We take notice of the fact that stereo type orders are passed by the High Courts without any application of mind. The High Court should have realized that the petitioner is seventy years of age and out of four years of maximum sentence imposed, has already been undergone two years' of sentence. The petitioner is virtually blind. There is nothing on record to indicate that his release on bail pending appeal would thwart the course of justice. The High Court could have easily considered the plea for suspension of sentence in the first instance itself. Such casual approach of the High Court has led to the filing of this Special Leave Petition before the highest court of the country. This litigation could have been easily avoided had the High Court applied the correct principles of law governing the suspension of sentence of fixed terms of imprisonment.
- 7 Issue notice, returnable in four weeks.
- 8 In the meantime, the petitioner is ordered to be released on bail subject to terms and conditions that the trial court may deem fit to impose.

(CHETAN KUMAR)
A.R. -cum-P.S.

(POOJA SHARMA)
Court Master