

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 641 OF 2013  
(@ SPECIAL LEAVE PETITION(CRL.)NO.7923 OF 2012)

SAMIR MUSTAFABHAI BAJARIYA APPELLANT

VERSUS

STATE OF GUJARAT RESPONDENT

O R D E R

1. Leave granted.

2. While issuing notice, this Court vide Order dated 18th October, 2012 has passed the following order :

"....."

Mr. Tulsi, learned senior counsel, on instructions, would submit that the petitioner has already undergone half of the sentence imposed by the Trial Court for the offences punishable under Sections 489A, 489B, 489C and 120B of the Indian Penal Code, 1860. Since the punishment imposed is only for eight years for the aforesaid offences, we are of the opinion that during the pendency of the appeal before the High Court, the sentence imposed on the petitioner requires to be suspended.

Accordingly, we provisionally suspend the sentence of the petitioner and direct that he be released on bail subject to the satisfaction of the Trial Court."

3. We have heard learned counsel for the parties to the lis.

4. Having perused the records and in view of the facts and circumstances of the case, we are of the opinion that the aforesaid Order dated 18.10.2012 be made absolute and is hereby made absolute.

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5. The Criminal Appeal is disposed of accordingly.

.....J.  
(H.L. DATTU)

.....J.  
(JAGDISH SINGH KHEHAR)

NEW DELHI;  
APRIL 26, 2013.  
ITEM NO.47

COURT NO.5

SECTION IIB

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(s).7923/2012

(From the judgement and order dated 23/08/2012 in CRLA No.601/2011,CRLMA No.9866/2012 of the HIGH COURT OF GUJARAT AT AHMEDABAD)

SAMIR MUSTAFABHAI BAJARIYA

Petitioner(s)

VERSUS

STATE OF GUJARAT

Respondent(s)

(With appln(s) for bail,permission to place addl. documents on record and office report )

Date: 26/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s) Mr. Amit Sharma,Adv.

For Respondent(s) Ms.Jesal, Adv.  
for Ms. Hemantika Wahi,Adv.

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

Leave granted.

Appeal disposed of, in terms of the signed order.

(G.V.Ramana)  
Court Master  
(signed order is placed on the file)

(Vinod Kulvi)  
Asstt.Registrar