

ITEM NO.42

Court 8 (Video Conferencing)

SECTION II

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

Criminal Appeal No(s). 881-882/2021

BRIJ BHUSHAN SHARMA

Appellant(s)

VERSUS

CENTRAL BUREAU OF INVESTIGATION C.B.I.

Respondent(s)

([ONLY I.A. NO. 4228/2022 IN CRL.A. NO. 978/2021 IS to be LISTED]

WITH

Cr1.A. No. 978/2021 (II)

(PLS SUSPENSION OF SENTENCE ON IA 4228/2022

FOR APPLICATION FOR PERMISSION ON IA 18129/2022)

Date : 04-03-2022 These appeals were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Appellant(s) Mr. Devvrat, AOR

Mr. Yadav Narender Singh, AOR
Mr. Mukesh Kumar Verma, Adv.
Mr. Ashutosh Yadav, Adv.

For Respondent(s) Ms. Aishwarya Bhati, ASG
Ms. Ruchi Kohli, Adv.
Mr. Bhuvan Kapur, Adv.
Ms. Swarupama Chaturvedi, Adv.
Mr. O.P. Shukla, Adv.
Mr. Arvind Kumar Sharma, AOR

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

Heard learned counsel for the parties.

There appears to be an inconsistency in the judgment of the Trial Court in that the Trial Court observed that "Jaipal Singh is not guilty of murder because he did not join encounter." However, the appellant Jaipal Singh has also been convicted under Section

302 of the Indian Penal Code by the Trial Court.

The appellant was on bail during the trial and while the appeal was pending. The petitioner was unrepresented during the hearing of the appeal before the High Court. The High Court has upheld the order of the Trial Court.

In view of the observation of the Trial Court, we are inclined to suspend the sentence of the appellant pending disposal of Criminal Appeal No.978 of 2021. The appellant shall be released on bail on such terms and conditions as may be imposed by the Trial Court.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(MATHEW ABRAHAM)
COURT MASTER (NSH)