

**SUPREME COURT OF INDIA**

Samir Mustafabhai Bajariya

Vs.

State of Gujarat

Crl.A.No.641 of 2013

(H.L.Dattu and Jagdish Singh Khehar JJ.)

26.04.2013

**ORDER**

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.

5. The Criminal Appeal is disposed of accordingly.