



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>CRLR/634/2026</u> Shaikh Suleman Ali --Revisionist Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Sachin Panwar, Advocate for the revisionist. Mr. Pradeep Lohani, A.G.A. for the State of Uttarakhand. 2. This Criminal Revision has been preferred by the revisionist assailing the order dated 19.05.2026 passed by learned First Additional Sessions Judge, Roorkee, District Haridwar in Criminal Appeal No.52 of 2026, whereby, although the Appeal preferred by the revisionist against his conviction was admitted, his application seeking suspension of sentence and grant of bail during the pendency of the appeal was rejected. 3. Briefly stated, the facts of the case are that an F.I.R. was lodged against the revisionist for the offences punishable under Sections 420, 467, 468, 471, 171 and 506 of the Indian Penal Code. After completion of investigation, charge-sheet was submitted against the revisionist and the trial commenced. Learned Additional Chief Judicial Magistrate, Roorkee, District Haridwar, vide judgment and order dated 06.05.2026, acquitted the revisionist of the offences under Sections



		467, 468, 471, 171 and 506 I.P.C.; however, he was convicted under Section 420 I.P.C. and sentenced to undergo rigorous imprisonment for a period of seven years and to pay a fine of ₹25,000/-, with a further direction that, in default of payment of fine, he would undergo simple imprisonment for a period of two months. Aggrieved by the aforesaid judgment and order of conviction and sentence, the revisionist preferred Criminal Appeal No.52 of 2026. Learned Appellate Court admitted the Appeal vide order dated 19.05.2026; however, while considering the application for suspension of sentence and grant of bail, it declined to suspend the sentence and rejected the bail application. 4. Learned counsel for the revisionist submits that the conviction of the revisionist under Section 420 I.P.C. is primarily based upon the oral testimony of the informant and that the allegations contained in the F.I.R. have not been duly corroborated by any independent or reliable evidence. It is further submitted that the alleged uniform of the Indian Navy, which forms part of the prosecution allegation, was never recovered from the possession or at the instance of the revisionist. Learned counsel further submits that the revisionist had served in the Indian Navy and had subsequently superannuated from service and that he was on bail throughout the trial and never misused the liberty so granted to him. 5. Learned State Counsel has opposed the revision, but could not point out any circumstance demonstrating that the revisionist had misused the liberty of bail during the course of trial or that, if released on bail during the pendency of the appeal, there is any likelihood of his
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		absconding or otherwise interfering with the due course of justice. 6. Heard learned counsel for the parties and perused the record. From a perusal of the impugned order, it appears that the learned Appellate Court, while admitting the statutory appeal preferred by the revisionist against his conviction, proceeded primarily to examine the scope of Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.) and observed that suspension of the sentence by the Appellate Court is directory and not mandatory. However, while considering an application for suspension of sentence and grant of bail, the Court is required to exercise its judicial discretion upon consideration of the facts and circumstances of the particular case, including the nature of the accusation, the sentence imposed, the conduct of the convict during trial, the likelihood of the appeal being heard within a reasonable time and other relevant circumstances. Section 430(1) of the B.N.S.S. empowers the Appellate Court, for reasons to be recorded in writing, to suspend the execution of the sentence or order appealed against and, where the appellant is confined in prison, to release him on bail or on his own bond. The provision undoubtedly confers discretion upon the Appellate Court; however, such discretion has to be exercised judiciously and upon consideration of the relevant facts and circumstances of the case. The mere observation that the provision is directory cannot, by itself, constitute a sufficient ground for rejection of an application seeking suspension of sentence. 7. In the present case, learned Appellate Court, after admitting the Appeal, has not adverted to the relevant
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		circumstances bearing upon the question of suspension of sentence, particularly the fact that the revisionist was on bail during the entire period of trial and there is nothing on record to indicate that he ever misused the said liberty. Learned Appellate Court has also not assigned any cogent reason as to why, despite admission of the appeal, the sentence ought not to be suspended. The impugned order, therefore, does not reflect proper and effective exercise of the jurisdiction vested in the Appellate Court under Section 430(1) of the B.N.S.S. 8. It is also well settled that at the stage of considering suspension of sentence, the Appellate Court is not required to undertake a detailed re-appreciation of the entire evidence or record a final finding on the merits of the appeal. Nevertheless, it is required to consider whether the circumstances of the case justify suspension of the sentence during the pendency of the appeal. In the present case, the appeal has already been admitted and the revisionist has been sentenced to undergo rigorous imprisonment for seven years. Having regard to the nature of the sentence, the fact that the revisionist remained on bail throughout the trial without any allegation of misuse of liberty, and the fact that the appeal is yet to be finally adjudicated, this Court is of the view that the revisionist has made out a case for suspension of sentence and grant of bail during the pendency of the appeal. 9. Accordingly, without expressing any opinion on the merits of the appeal, this Court is of the considered view that the revisionist deserves to be released on bail during the pendency of Criminal Appeal No.52 of 2026.
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10. In view of the foregoing discussion, the instant Criminal Revision is allowed. The order dated 19.05.2026 passed by the learned First Additional Sessions Judge, Roorkee, District Haridwar in Criminal Appeal No.52 of 2026 is hereby set aside. The execution of the sentence awarded to the revisionist vide judgment and order dated 06.05.2026 passed by the learned Additional Chief Judicial Magistrate, Roorkee, District Haridwar, shall remain suspended during the pendency of Criminal Appeal No.52 of 2026. The revisionist shall be released on bail upon furnishing a personal bond and two reliable sureties, each in the like amount, to the satisfaction of the learned court concerned. Learned Appellate Court is directed to make every endeavour to decide Criminal Appeal No.52 of 2026 expeditiously, preferably within a reasonable period, without granting unnecessary adjournments to either of the parties.

(Alok Mahra, J.)

18.08.2026

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