

2. Learned counsel for the applicant would submit that, similarly placed co-convicts have been granted suspension of their substantive sentences of imprisonment. Name of the applicant does not figure in the F.I.R. There was breach of mandatory rules of test identification parade. For over 4 years the applicant is in jail

as against a maximum sentence of ten years. According to her, it will take time for the appeal to come up for hearing. She, therefore, urged for grant of the application.

Learned A.P.P. opposed to grant of the application.

3. Considered the submissions advanced. Perused the relevant evidence and the judgment under appeal. True, the name of the applicant does not figure in the F.I.R. The fact is, however, that, the applicant was a convict of offence of murder and undergoing life sentence. The present crime has been committed by him while he was on furlough/ parole. Although his name does not figure in the F.I.R., the victim did give his description and has even identified him in the test identification parade. This Court is, therefore, not inclined to grant the application for the present, even though the applicant is behind the bars for little over 4 years. If the appeal is not decided within a period of next two years, the applicant is at liberty to revive his prayer for suspension of sentence. The application is rejected.

4. Fees of Ms Lomte, learned counsel who is appointed for the applicant/ appellant, is quantified at Rs.6000/- (Rupees six thousand) for the purpose of this application.

(R.G. AVACHAT, J.)

fmp/-