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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 667/2023

KC SAMRIA

..... Appellant

Through: Mr. Rahul Tyagi, Mr. Sangeet Sibou,  
Mr. Surender Sharma, Mr. Jatain and  
Mr. Aashish Chojar, Advocates

versus

CENTRAL BUREAU OF INVESTIGATION ..... Respondent

Through: Ms. Tarannum Cheema, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

**22.08.2023**

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**[The proceeding has been conducted through Hybrid mode]**

**CRL.A. 667/2023**

1. This is an appeal under Section 374(2) of the Cr.P.C., 1973 against the order and judgment of conviction dated 13.07.2023 and the order of sentence dated 26.07.2023 passed by the learned Special Judge (P.C. Act) (CBI) (Coal Block Cases)-02, Rouse Avenue Courts (Central District), Delhi in CBI Case No.105/2019 titled as *CBI Vs. M/s.JLD Yavatmal Energy Ltd. and Ors.*
2. The appellant has impugned the aforesaid orders whereby the following sentence was passed against him which is as under:-

Sections	Punishment
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Sections 120-B r/w Section 420 IPC and Section 13(1)(d)(iii) r/w Section 13(2) P.C. Act	Rs.10,000/- (Rupees Ten Thousand Only) RI for 03(three) years
S. 13(1)(d)(iii) r/w S. 13(2) P.C. Act	Rs.10,000/- (Rupees Ten Thousand Only) RI for 03 (three) years.

3. Issue notice.
4. Ms. Tarannum Cheema, learned counsel accepts notice on behalf of the respondent.
5. Admit.
6. List in the category of regular matters along with Cr.A.648/2023 and Cr.A.646/2023.

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7. This is an application under Section 389 read with Section 482 Cr.P.C., 1973 seeking suspension of execution of sentence as imposed upon the appellant during the pendency of the appeal.
8. Mr. Tyagi, learned counsel appearing for the applicant/appellant submits that sentence of the applicant was suspended for a period of 45 days by the learned Trial Court vide the order dated 26.07.2023 to enable the applicant to file the present appeal.
9. Mr Tyagi submits that so far as the other co-accused persons are concerned, who are public servants, their sentences have already been suspended by the Coordinate Bench of this Court vide the order dated 16.08.2023 in Cr.A.648/2023 and Cr.A.646/2023.
10. Mr. Tyagi submits that the case of the applicant/appellant is on a

better footing since the other two persons were public servants and submits that the conviction and sentence against the applicant/appellant has been passed with the aid of Section 120-B IPC, 1860 and Section 13 (2) r/w Section 13(1)(d)(iii) of the P.C. Act.

11. Learned counsel submits that the applicant was never arrested even during the period of trial.

12. That apart, learned counsel appearing for the applicant submits that the fine which was imposed already stands paid.

13. Keeping in view the fact that the applicant was never arrested even during the trial as also keeping in mind the fact that the other co-accused persons who are, in fact, public servants have already been granted suspension of sentence, the order of sentence dated 26.07.2023 shall remain suspended qua the applicant/appellant during the pendency of the appeal.

14. *Dasti.*

**TUSHAR RAO GEDELA, J**

**AUGUST 22, 2023/ms**