

(2024) 05 MP CK 0012

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 5412 Of 2024

Ajay Nikam And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 03-05-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389
Indian Penal Code, 1860 — Section 34, 324

Citation : (2024) 05 MP CK 0012

Hon'ble Judges : Vijay Kumar Shukla, J

Bench : Single Bench

Advocate : Ashish Tiwari, Vinod Thakur

Judgement

Vijay Kumar Shukla, J

Heard on admission.

Record of the trial Court be summoned.

Also heard on IA No.7024/2024 which is first application under Section 389 of Cr.P.C. for suspension of jail sentence of appellant No.1 Ajay, appellant No.2 Happy, appellant No.3 Shajid Shah and appellant No.4 Kalu.

The appellants have been convicted under Section 324 r/w 34 of IPC and sentenced to undergo RI for 3 years and fine of Rs.1500/- respectively with default stipulation.

It is stated that the appellants were on bail during trial and after conviction, the jail sentence has already been suspended by the trial Court up to 17.05.2024. It is further submitted that there is no likelihood of hearing of appeal in near future. Hence, counsel prayed that application for suspension of sentence be allowed.

Learned counsel for the State opposes the prayer and prays for its rejection.

On due consideration of the submissions made on behalf of the appellants and looking to the fact that the jail sentence of the appellants has already been suspended by the trial Court and the final hearing of the appeal may take time, it would be appropriate to suspend the jail sentence of the appellants. Accordingly, the IA is allowed.

The appellant No.1 Ajay, appellant No.2 Happy, appellant No.3 Shajid Shah and appellant No.4 Kalu b e enlarged on bail on their furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand only) each with separate solvent surety of the same amount to the satisfaction of the trial Court, for his appearance before the Registry of this Court on 22.07.2024 and thereafter, on such other subsequent dates as may be fixed in that behalf.

With the aforesaid, I.A No.7024/2024 stands disposed off.

List for admission along with the record.