
(2023) 11 MP CK 0081

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 14701 Of 2023

Altaf Uddin @ Shahrukh And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 28-11-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389
Indian Penal Code, 1860 — Section 34, 324, 325

Citation : (2023) 11 MP CK 0081

Hon'ble Judges : Roopesh Chandra Varshney, J

Bench : Single Bench

Advocate : Jafar Khan, Shanti Tiwari

Judgement

Roopesh Chandra Varshney, J

Heard on the question of admission.

Appeal is admitted for final hearing.

Let record of court below be called for.

Also heard on I.A. No.27621/2023, this is the first application for suspension of sentence and grant of bail filed under Section 389 of Cr.P.C. on behalf of appellants.

The appellants have been convicted vide judgment dated 08/11/2023 passed by Fifth Additional Sessions Judge, Bhopal in S.T. No. 147/2021 and appellants have been found guilty for commission of offence punishable under Sections 324/34 and 325/34 of IPC and sentenced to undergo RI for 2 years and 3 years and to pay fine of Rs.3,000/- and Rs.5000/- for each offence respectively with usual default stipulations.

Learned counsel for the appellants submits that the trial Court has not properly appreciated the evidence in its proper perspective and committed grave error in convicting the appellants for aforesaid offence. Custodial sentence of appellants

have already been suspended by trial Court since 14/12/2023. There are fair chances of success of this appeal and final hearing of same will take considerable time, therefore, if remaining custodial sentence has not been suspended, then the appeal filed by appellants may turn infructuous. Under these circumstances, learned counsel for appellants prays for suspension of jail sentence and release of the appellants on bail till the final disposal of the appeal.

On the other hand, learned Panel Lawyer has opposed the contention raised by learned counsel for appellants and prays for rejection of said application.

Looking to the aforesaid facts and circumstances of the case, contention of learned counsel for the appellants coupled with the fact that the custodial sentence of appellants has already been suspended till 14/12/2023 and according to listing policy the hearing of this appeal will take time, the application is allowed and it is directed that the execution of the remaining jail sentence passed against appellants shall remain suspended during the pendency of this appeal and they be released on bail subject to depositing entire fine amount, if already not deposited and upon their furnishing personal bond in the sum of Rs.50,000/- (Rs. Fifty Thousand only) each with one separate surety in like amount to the satisfaction of the trial Court for their appearance before the trial Court on 24/01/2024 and on such further dates as may be fixed by trial Court in this regard during the pendency of this appeal.

List the appeal for final hearing in due course.

Certified copy as per rules.