

(2023) 03 MP CK 0079

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 3823 Of 2023

Aman Ullah Khan

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 20-03-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389
Prevention Of Corruption Act, 1988 — Section 13(1)(d), 13(2)
Indian Penal Code, 1860 — Section 120B, 218, 466, 471

Citation : (2023) 03 MP CK 0079

Hon'ble Judges : Vivek Rusia, J

Bench : Single Bench

Advocate : Mohammad Ibrahim, Raghvendra Singh Raghuvanshi

Final Decision : Allowed

Judgement

Vivek Rusia, J

Heard on I.A. No.3863/2023, which is an application under Section 389 of Cr.P.C for suspension of sentence moved on behalf of appellant.

Appellant has been convicted for offence under Sections under Section 13(1)(d) r/w. Section 13(2) of the Prevention of Corruption Act; Section 120-B, 218, 466, 471 of the IPC; and sentenced to undergo 3-3-3-3-3 years' R.I with total fine of Rs.5000/- 5000/- -5000/- - 5000/- - 5000/- respectively with default stipulation.

Learned counsel for the appellant submits that the appellant has been falsely implicated in this case. Learned trial Court has not properly appreciated the evidence came on record and material omissions and contradictions have been overlooked. Learned trial Court has already suspended the jail sentence up to 31.3.2023. Appellant has fair chance to succeed in this appeal and if the jail sentence is not suspended, the application may be rendered infructuous. He, therefore, prays for grant of suspension and to release appellant on bail.

On the other hand, the learned counsel appearing for the respondent prays for

rejection of the application.

In view of the aforesaid facts and circumstances of the case, I find it is to be a fit case to suspend the custodial sentence of the appellant.

Accordingly, I.A. No.3863/2023 is allowed and it is directed that subject to deposit of fine amount, if already not deposited, with the trial Court and on furnishing personal bond by the appellant in the sum of Rs.30,000/- (Thirty Thousand only) with one solvent surety in the like amount to the satisfaction of learned trial Court for his appearance before the Registry of this Court, the execution of custodial part of the sentence of the appellant shall remain suspended till final disposal of this appeal. The appellant after being enlarged on bail shall mark his presence before the Registry of this Court on 21.04.2023 and on all such subsequent dates, which are fixed in this behalf.

Record of court below be requisitioned and list thereafter for admission.

C.C. as per rules.