

(2023) 04 MP CK 0102

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 5711 Of 2023

Arif Khan And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 25-04-2023

Acts Referred:

Indian Penal Code, 1860 — Section 148, 149, 153A, 323
Code Of Criminal Procedure, 1973 — Section 389(1)

Citation : (2023) 04 MP CK 0102

Hon'ble Judges : Deepak Kumar Agarwal, J

Bench : Single Bench

Advocate : Sunil Soni, Rohit Shrivastava

Final Decision : Allowed/Disposed Of

Judgement

Deepak Kumar Agarwal, J

Heard on I.A.No.7375/2023, first application u/Sec. 389(1) of Cr.P.C. for suspension of sentence and grant of bail filed on behalf of appellant.

This criminal appeal has been filed against the judgment dated 12.04.2023 passed in Criminal Appeal No.95/22 by 1st Additional Sessions Judge Sheopur (M.P.) whereby the appellants have been convicted under Section 147 of IPC and sentenced to undergo one year R.I. with fine of Rs.500/-, under Section 148 of IPC and sentenced to undergo one year R.I. with fine of Rs.500/-, under Section 323/149 of IPC and sentenced to undergo three months R.I. and under Section 153-A of IPC and sentenced to undergo one year R.I. with fine of Rs.500/- each with default stipulation.

It is submitted by counsel for the appellants that the appellants were on bail during trial and they did not misuse the liberty granted to them. Fine amount has already been deposited by the appellants. It is also submitted that learned Trial Court has already suspended jail sentence of the appellants for a period of one month. Appeal is of the year 2023 which may take long time for it's conclusion.

Under these circumstances, the execution of sentence be suspended and the appellants be released on bail.

On the contrary, learned counsel for the State opposed the application and prayed for its rejection.

Keeping in view of the aforesaid submissions of learned counsel for the parties and the fact that an early hearing of this case is not possible and that learned trial Court has already suspended jail sentence of the appellants for a period of one month, I.A. No.7375/2023 is allowed.

It is therefore, directed that if appellants deposit the entire fine amount, if not already deposited, and furnish a personal bond in the sum o f Rs.50,000/- (Rupees Fifty Thousand Only) each with one solvent surety of the like amount to the satisfaction of concerned Trial Court for their appearance before the Principal Registrar of this Court on 17th July, 2023 and on such further dates as may be fixed by the office in this regard, sentence of imprisonment awarded to them shall remain suspended till further orders and they shall be released on bail.

Application (I.A. No.7375/2023) is allowed and disposed of.

A copy of this order be sent to the trial Court concerned for necessary compliance.

C.c. as per rules.