

(2023) 07 MP CK 0037

In the Madhya Pradesh High Court

Case No : Criminal Revision No. 2913 Of 2023

Badshah Singh And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 07-07-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1), 397, 401
Indian Penal Code, 1860 — Section 323, 452

Citation : (2023) 07 MP CK 0037

Hon'ble Judges : Sanjeev S Kalgaonkar, J

Bench : Single Bench

Advocate : Anil Kumar Mishra, Pramod Pachouri

Judgement

Sanjeev S Kalgaonkar, J

Heard on admission.

Let record of the learned Trial Court be called for.

Revision appears to be arguable, is admitted for final hearing.

Also heard on IA No. 12192 of 2023, which is the first application under Section 389(1) of CrPC for suspension of sentence and grant of bail filed on behalf of applicants.

This criminal revision under Section 397, 401 of CrPC has been filed against the judgment and sentence dated 27/06/2023 passed by Seventh Additional Sessions Judge, District Bhind (M.P.) in Cr.A. No.70/2021 thereby affirming the judgment and sentence dated 10/11/2021 passed by Judicial Magistrate First Class, District Bhind (M.P.) in Criminal Case No.144/2014, by which the applicants have been convicted under Sections 452 and 323 of the IPC and have been sentenced to undergo rigorous imprisonment of one year with a fine of Rs. 800/- and three months rigorous imprisonment with fine of Rs. 200/- each with default stipulation respectively.

Learned Counsel for the applicants submits that during trial applicants were on bail, but they did not misuse the liberty so granted to them. Amount of fine has already been deposited by them. It is further submitted that in the counter case, complainant has been granted suspension of sentence and grant of bail vide order dated 04/07/2023 in Cr.R. No. 2804/2023 and there are chances of amicable settlement between the parties. There is no likelihood of early hearing of revision in near future. On these grounds, learned Counsel prays that execution of remaining jail sentence of applicants may be suspended and they may be enlarged on bail.

Per contra, learned Counsel for respondent State and counsel for the complainant opposed the application and prayed for its rejection.

Upon hearing learned Counsel for parties but without commenting upon rival contentions touching merits of the case, this Court is of the view that application deserves to be allowed. It is, accordingly, directed that execution of remaining jail sentence of applicants shall remain suspended during pendency of this revision and they shall be enlarged on bail subject to furnishing personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with one solvent surety each in the like amount to the satisfaction of Trial Court and also subject to deposit of the fine amount (if not already deposited) for their appearance before the Registry of this Court on 20/09/2023 and on further dates as may be directed by the Registry in that regard.

Accordingly, I.A. No. 12192/2023 stands allowed and disposed of.

List this matter alongwith Cr.R. No. 2804/2023..

Certified copy as per rules.