

(2023) 11 MP CK 0079

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 14717 Of 2023

Bahadursingh Bagri 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, 323

Citation : (2023) 11 MP CK 0079

Hon'ble Judges : Prem Narayan Singh, J

Bench : Single Bench

Advocate : Akhilesh Kumar Saxena, Rajesh Joshi

Final Decision : Allowed

Judgement

Prem Narayan Singh, J

1. Heard on I.A. No. 17743/2023, an application filed under Section 389 of the Code of Criminal Procedure, 1973 for suspension of sentence on behalf of appellants

2. The appellants have been convicted under Sections 323, 323/34, 323 & 323 of IPC and sentenced to undergo for 3 months S.I. each of the appellants with fine of Rs.500/- each of the appellant and default stipulations.

3 . Learned counsel for the appellants submits that the appellants are innocent and have falsely been implicated. The jail sentence of the appellants have already been suspended by the learned trial Court itself till 30.11.2023. He further submitted that final hearing of this appeal is likely to take sufficient long time. Under these circumstances, looking to the short sentence, learned counsel prays that the application for suspension of sentence of the appellant be allowed.

4. Learned counsel for the State opposed the prayer and prayed for dismissal of the application for suspension of sentence.

5. Looking to the facts and circumstances of the case, contention of learned counsel for the appellants, the short sentence of the appellants and the fact that the trial Court has already suspended the jail sentence of the appellants, without commenting on the merits of the case, the application is allowed.

6. It is directed that subject to depositing the fine amount, if already not deposited, the appellants shall be released on bail, on furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) each with a solvent surety each in the like amount to the satisfaction of Trial Court, for their appearance before the Registry of this Court firstly on 24.01.2023 and on such other dates, as may be fixed by the Registry in this regard, till final disposal of this appeal.

7. Accordingly, IA No.17743/2023 stands allowed and disposed of.

8. Record from the trial Court be called for.

List thereafter.