
(2022) 12 MP CK 0051

In the Madhya Pradesh High Court

Case No : Criminal Revision No. 4663 Of 2022

Balla @ Balram Meena And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 08-12-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 397(1)
Indian Penal Code, 1860 — Section 354, 447

Citation : (2022) 12 MP CK 0051

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : Anshu Gupta, Nirmal Sharma

Final Decision : Allowed

Judgement

Sunita Yadav, J

Heard on I.A.No. 18928 of 2022, an application under Section 397(1) of Cr.P.C. for suspension of sentence and grant of bail to the petitioners.

At the very outset, learned counsel for the petitioners seeks for and is granted permission to withdraw I.A. No. 18928 of 2022 in respect to petitioner No. 1 - Balla @ Balram.

Accordingly, I.A. No. 18928 of 2022 is dismissed as withdraw in respect to petitioner No. 1 - Balla @ Balram.

The revision has been preferred by the petitioner No. 2 (Mukesh) under Section 397(1) of the Cr.P.C. against the impugned judgment dated 28.11.2022 in Cr.A.No. 31/2022 passed by Sessions Judge, Sheopur (M.P.) affirming the judgment of conviction and sentence dated passed in Criminal Case No. 167/2016 passed by Judicial Magistrate First Class, Sheopur convicting the petitioner for the offence punishable under Section 447 of IPC and sentencing him to undergo 3 months of rigorous imprisonment and fine of Rs.500/- and

under Section 354 of IPC and sentencing him to undergo 1 year of rigorous imprisonment and fine of Rs.3500/-, with default stipulation.

Learned counsel for the petitioner No. 2 (Mukesh) argued that the Courts below have wrongly appreciated the evidence and convicted the petitioner No. 2 (Mukesh). The petitioner No. 2 (Mukesh) has already suffered about five

months of incarceration out of total sentence of one year awarded to him. There are material omissions and contradictions in the evidence of prosecution witnesses. Present criminal revision is likely to take long time to conclude. Therefore, it has been prayed that petitioner No. 2 (Mukesh) be released on bail.

On the other hand, learned Public Prosecutor opposed the application and prayed for rejection of the same.

In view of the facts and circumstances of the case, but without expressing any opinion on the merits of the case, the application (I.A. No. 18928 of 2022) is allowed in respect to petitioner No. 2 (Mukesh).

It is directed that the petitioner No. 2 (Mukesh) be released on bail on his furnishing a personal bond in the sum of Rs. 50,000/- (Rs. Fifty Thousand Only) with two sureties in the like amount to the satisfaction of the concerned trial Court. The petitioner No. 2 (Mukesh) shall now appear before the Registry of this Court on 23.01.2023 and on all other dates which may be given by the Office for his appearance.

List the case for hearing in due course.

Certified copy as per rules.