

(2024) 05 MP CK 0103

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 5942 Of 2024

Bherulal And Others

APPELLANT

Vs

The State Of Madhya Pradesh

RESPONDENT

Date of Decision : 16-05-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389
Indian Penal Code, 1860 — Section 365, 506II, 511

Citation : (2024) 05 MP CK 0103

Hon'ble Judges : Prem Narayan Singh, J

Bench : Single Bench

Advocate : A.K. Jain

Final Decision : Allowed

Judgement

Prem Narayan Singh, J

1. Heard on I.A. No.7949/2024, which is an application filed under Section 389 of the Criminal Procedure Code, 1973 for suspension of sentence on behalf of appellants.

2. The appellants have been convicted under Sections 365/511 and 506-II of IPC and sentenced to undergo 3 years R.I. and 2 years R.I. with fine and with default stipulations.

3. Learned counsel for the appellants submits that the trial Court has committed an error in appreciating the evidence and convicting the appellants. It is submitted that the sentence of the appellants is already suspended. There is no likelihood final hearing of this appeal. Hence, remaining jail sentence of the appellants may be suspended.

6. Learned counsel for the respondent/State opposes the prayer and prays for its rejection.

7. Considering all the facts and circumstances of the case and looking to the fact

that sentence of the appellants is already suspended, I find it to be a fit case to suspend the custodial sentence of the appellants.

8. Accordingly, the application stands allowed and it is directed that the execution of jail sentence awarded to the appellants shall remain suspended till final disposal of the appeal, subject to the depositing the fine amount, if any, and upon furnishing personal bond in the sum of Rs.50,000/- (Rupees fifty thousand) each with one solvent surety in the like amount to the satisfaction of the trial Court for their appearance before Registry of this Court on 17.9.2024 and on such other dates as may be fixed by the Registry in this regard.

Accordingly, the application stands allowed and disposed of.

Certified copy as per rules.