

(2024) 05 MP CK 0054

In the Madhya Pradesh High Court

Case No : Criminal Revision No. 2049 Of 2024

Bhupendra @ Bhoop Singh And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 13-05-2024

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 325
Code Of Criminal Procedure, 1973 — Section 397

Citation : (2024) 05 MP CK 0054

Hon'ble Judges : Rajendra Kumar Vani, J

Bench : Single Bench

Advocate : Vibhor Kumar Sahu, Vishal Tripathi

Final Decision : Allowed/Disposed Of

Judgement

Rajendra Kumar Vani, J

1. Heard on admission.

2. Admit.

3. Record has already been received.

4. Also heard on I.A. No. 8563 of 2024, which is first application under Section 397 of Cr.P.C. for suspension of sentence and grant of bail filed by the petitioners Bhupendra @ Bhoop Singh, Sarnam Baghel and Chhota @ Kedar.

5. This Criminal Revision assails the judgment dated 22.4.2024 passed by First Additional Sessions Judge, Dabra, District Gwalior in Cr.A. No.38/2021, whereby petitioners have been convicted under Sections 323 of I.P.C. and have been sentenced to undergo rigorous imprisonment of three months with fine of Rs.100/- and they have been convicted under Section 325/34 of I.P.C. and have been sentenced to undergo rigorous imprisonment of six months with fine of Rs.200/- respectively with default stipulations.

6. Learned counsel for the petitioners while taking exception to the impugned judgment of conviction and order of sentence submits that the Sessions Court has not appreciated the evidence placed on record in correct perspective. The judgment suffers from surmises and conjectures. The petitioners have falsely been implicated in the instant case. It is further submitted that the petitioners are in custody since the date of judgment i.e. on 22.4.2024. Final hearing of this revision is not possible in near future. On these grounds, it has been prayed that the petitioners may be extended the benefit of suspension of sentence and grant of bail.

7. Per contra, learned Public Prosecutor, appearing on behalf of the respondent/ State, while supporting the judgment impugned submits that no exception can be taken in the matter of suspension of sentence and grant of bail, regard being had to the nature and the gravity of offence found proved against the present petitioners.

8. Upon hearing learned counsel for the parties, though this Court refrains from commenting upon rival contentions so advanced touching merits of the case, regard being had to the obtaining facts and circumstances of the case and the revision which is of the year 2024 is not likely to be decided in the near future, this court is of the view that petitioners are entitled to the benefit of suspension of sentence and grant of bail.

9. Accordingly, I.A. No. 8563 of 2024 stands allowed and it is directed that the jail sentence of petitioners shall remain suspended during pendency of the present revision and they shall be released on bail subject to verification of the factum of depositing the fine amount and on his furnishing a personal bond in the sum of Rs.70,000/- (Rupees Seventy Thousand only) each with one solvent surety in the like amount to the satisfaction of the Trial Court.

10. Petitioners are directed to appear before the Registry of this Court first on 24.09.2024 and on other subsequent dates as may be fixed in this behalf.

11. Accordingly, the IA stands allowed and disposed of.

12. Observations on facts, if any, are only for the purpose of deciding the instant I.A. and shall have no bearing on the merits of the revision.

Certified copy as per rules.