

(2024) 06 MP CK 0024

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 6836 Of 2024

Devendra And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 06-06-2024

Acts Referred:

Indian Penal Code, 1860 — Section 34, 325

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(Va)

Citation : (2024) 06 MP CK 0024

Hon'ble Judges : Dwarka Dhish Bansal, J

Bench : Single Bench

Advocate : Sugam Gupta, Sushant Tiwari

Judgement

Dwarka Dhish Bansal, J

The appeal being arguable is admitted for final hearing.

Also, heard on I.A. No. 11481/2024, an application u/S. 389 (1) of Cr.P.C. for suspension of jail sentence and grant of bail to the appellants.

Present criminal appeal has been filed against the judgment dated 17.5.2024 passed by Special Judge, SC/ST Act, Vidisha (M.P.) in Special Case No. 36/2017, whereby appellants have been convicted under Section 325/34 of IPC r.w. Section 3(2)(Va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and sentenced to undergo rigorous imprisonment of one year with fine of Rs.500/- with default stipulation.

Learned counsel for the appellants submitted that appellants have wrongly been convicted by the Court below without appreciating the evidence available on record. There are material omissions and contradictions in the statements of the prosecution witnesses. It is further submitted that appellants were on bail during trial and did not misuse the liberty so granted. Present criminal appeal is likely to take long time to conclude. Hence, prayed for suspension of jail sentence and

grant of bail to the appellants looking to the short period of jail sentence.

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

Heard learned counsel for the rival parties.

Considering the facts and circumstances of the case as well as short period of jail sentence, application (I.A. No. 11481/2024) is allowed. Subject to depositing of fine amount, if not already deposited, and on each of the appellants furnishing personal bond of Rs.50,000/- (Rupees Fifty Thousand only) with a solvent surety of the like amount to the satisfaction of the concerned trial Court, the remaining jail sentence of the appellants shall remain suspended and they be released on bail. The appellants are further directed to mark their appearance before the trial Court on 12/12/2024 and on subsequent dates given to him in this regard, till final disposal of this appeal.

A copy of this order be sent to the concerned Court below for compliance.