
(2020) 09 MP CK 0126
In the Madhya Pradesh High Court
Case No : Criminal Appeal No.764 Of 2020

Gajraj Singh

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 15-09-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Indian Penal Code, 1860 — Section 394, 397

Citation : (2020) 09 MP CK 0126

Hon'ble Judges : S. C. Sharma, J

Bench : Single Bench

Advocate : Avinash Kumar Khare, Pradhyum Kibe

Final Decision : Disposed Of

Judgement

Heard on I.A. No.4879/2020, which is first application under Section 389(1) of the Code of Criminal Procedure, 1973 for suspension of jail sentence and grant of bail filed on behalf of appellant - Gajraj Singh S/o Sukhlal Bhil.

The present appellant has been convicted vide judgment dated 10.12.2019 passed by the First Additional Sessions Judge, District - Rajgarh in Sessions Trial No.337/2018 for the offence punishable under Section 394 r/w section 397 of the Indian Penal Code and has been sentenced to undergo 7 years' rigorous imprisonment along with fine of Rs.2,000/- and with default clause to further undergo one year's rigorous imprisonment.

Learned counsel for the appellant has argued before this Court that the injured persons and eye-witnesses i.e., Sanjeev Jaat (P.W-8) and Rajendra (P.W-9), have not stated a single word against the present appellant.

A categorical question was asked by this Court to the learned Government Advocate in respect of the aforesaid contention and he was fair enough in informing this Court that there is no evidence against the present appellant - Gajraj Singh in the statement of Sanjeev Jaat (P.W-8) and Rajendra (P.W-9). He

has also stated that in the statement of Sanjeev Jaat (P.W-8) and Rajendra (P.W-9) there are specific allegations against the other accused persons.

This Court has minutely scanned the entire evidence on record and is of the considered opinion that the application for suspension of jail sentence (I.A. No.4879/2020) deserves to be allowed and is accordingly, allowed.

It is directed that on production of personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) and one solvent surety of the like amount to the satisfaction of the trial Court and also on payment of fine (if not paid), appellant - Gajraj Singh shall be released on bail for his appearance before the Registry of this Court on 10.12.2020, and thereafter, on each subsequent date as may be fixed by the Registry of this Court in this behalf.

I.A. No. 4877/2020 also stands disposed of. The appeal is admitted for final hearing.

List the appeal for final hearing in due course. Certified copy, as per rules.