

(2023) 10 MP CK 0018

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 12477 Of 2023

Govardhan And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 04-10-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)

Indian Penal Code, 1860 — Section 34, 325

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

Citation : (2023) 10 MP CK 0018

Hon'ble Judges : Prakash Chandra Gupta, J

Bench : Single Bench

Advocate : Amol Yadav, Vinod Thakur

Judgement

Prakash Chandra Gupta, J

1. Learned counsel for the appellants prays for withdrawal of I.A. No.14986/2023 by submitting that the said application has becomes infructuous.
2. In view of the aforesaid, I.A. No.14986/2023 is dismissed as having been rendered infructuous.
3. Heard on I.A. No.14985/2023, which is an application filed under Section 389(1) of Cr.P.C. for suspension of jail sentence and grant of bail moved on behalf of appellants - Govardhan, Ramesh and Gangaram.
4. Appellants have been convicted by the Special Judge, SC/ST (Prevention of Atrocities) Act, Rajgarh (Biaora) vide its judgement dated 05.09.2023 passed in Special Case No.68/2019 for commission of offence punishable under Sections 323/34 of IPC alongwith 3(2)(va) of the SC/ST Act and sentenced to undergo RI for 01 year with fine of Rs.1,000/- and RI for 01 year with fine of Rs.1,000/- respectively with default stipulations.
5. Learned counsel for the appellants submits that appellants have not

committed the offence and have falsely been implicated in the case. The appellants were on bail during the trial and they never misused the liberty so granted to them. Trial Court has itself suspended the jail sentence of the appellants till 05.10.2023 and hence, prayer is made for suspension of jail sentence and grant of bail to the appellants.

6. On the other hand, counsel for the State has opposed the prayer and prayed for its rejection.

7. On due consideration of the facts and circumstances of the case so also looking to the short sentence awarded by the trial Court, without expressing any opinion on merits of the case, I.A. No.14985/2023 is allowed.

8. It is directed that upon depositing the fine amount (if not already deposited) and on furnishing a personal bond to the tune of Rs.25,000/- (Rupees Twenty five thousand only) each with one solvent surety in the like amount to the satisfaction of the trial Court, the substantive jail sentence of appellants shall remain suspended till the final disposal of the appeal and they shall be released on bail for their appearance before the Registry of this Court on 06.11.2023 and all other subsequent dates, as may be fixed in this behalf by the Office.

9. Records of the trial Court be requisitioned.

10. List for admission after receipt of records. Certified copy, as per Rules.