
(2023) 09 MP CK 0084

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 1971 Of 2014

Harinarayan@Hanna And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 19-09-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1), 389(3)
Indian Penal Code, 1860 — Section 34, 323

Citation : (2023) 09 MP CK 0084

Hon'ble Judges : Sanjeev S Kalgaonkar, J

Bench : Single Bench

Advocate : Manish Nayak, Pramod Pachauri

Judgement

Sanjeev S Kalgaonkar, J

Being arguable, the appeal is admitted for final hearing.

Also heard on IA No. 17164/2023, first application under Section 389(1) Cr. P.C. moved on behalf of the appellants seeking suspension of sentence and grant of bail.

Appellants stand convicted under Sections 323/34 of IPC and sentenced to undergo three months rigorous imprisonment with fine of Rs. 200/- each with default stipulations vide judgment of conviction and sentence dated 22/08/2023 passed by ASJ, Vijaypur distt. Sheopur (M.P.) in S.T. No. 06/2023.

Learned Counsel for appellants submits that the learned Trial Court has committed an error in convicting and sentencing the appellants. It is further submitted that independent witnesses have not supported the case of prosecution. There are material contractions and omissions in the evidence of witnesses. Appellants were on bail during trial and they did not misuse the liberty so granted to them. Fine amount has already been deposited by the appellants. The jail sentences of appellants were suspended by learned trial Court, under Section 389(3) of the Cr.P.C. There is no likelihood of hearing of appeal in near

future. On these grounds, learned Counsel prays that execution of remaining jail sentence of appellants may be suspended and they may be enlarged on bail.

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

Upon hearing learned Counsel for the parties, but without commenting upon rival contentions touching merits of the case, this Court is of the view that application deserves to be allowed. It is, accordingly directed that execution of remaining jail sentence of appellants shall remain suspended during pendency of this appeal and they shall be enlarged on bail subject to furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) each with one solvent surety in the like amount to the satisfaction of Trial Court and also subject to deposit of the fine amount (if not already deposited) for their appearance before the Registry of this Court on 21/11/2023 and on further dates as may be directed by the Registry in that regard.

Accordingly, I.A. No. 17164/2023 stands allowed and disposed of. Record of the court below be called and list thereafter for final hearing in due course.

Certified copy as per rules.