

(2023) 09 MP CK 0136

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 12453 Of 2023

Hiralal

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 29-09-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389

Indian Penal Code, 1860 — Section 324

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

Citation : (2023) 09 MP CK 0136

Hon'ble Judges : Prakash Chandra Gupta, J

Bench : Single Bench

Advocate : Manohar Singh Chouhan, Viraj Godha

Judgement

Prakash Chandra Gupta, J

Heard on the question of admission.

The appeal is admitted for final hearing.

Heard on I.A No.14938/2023, which is an application for ignoring the defects.

Counsel for the State submits that he as already cured the defects therefore, the application has rendered infructuous.

Accordingly, I.A No.14938/2023, stands disposed of.

1. Also, heard on I.A. No.14937/2023, which is first application for suspension of sentence and grant of bail filed under section 389 of the Cr.P.C. on behalf of appellant-Hiralal.

2. The trial Court has convicted the appellant vide order dated 29/08/2023 passed in SCATR Case No.27/2018 by Special Judge, SC/ST (Prevention of Atrocities Act, 1989) Nimad, Mandaleshwar(M.P) and sentenced the appellant under Section 324 of IPC read with 3(2)(v) of the SC/ST(Prevention of Atrocities

Act, 1989) Act to undergo 06 months RI with fine of Rs.1,000/- with usual default stipulation.

3. Learned counsel for the appellant submits that short sentence of 06 months has been involved in this case. The appellant was on bail during the trial and he never misused the liberty so granted to him. Trial Court has itself suspended the jail sentence of the appellant till 29.09.2023 and hence, prayer is made for suspension of jail sentence and grant of bail to the appellant.

4 . Learned Govt. Advocate opposes the prayer made by the appellant and prays for its rejection.

5 . I have heard learned counsel for both the parties and perused the record.

6. Looking to the facts and circumstances of the case coupled with the fact that the final hearing of this appeal is not possible in near future, without expressing any opinion on merits of the case, the application I.A. No.14937/2023 is allowed and the jail sentence of the appellant shall remain suspended.

7. It is directed that subject to depositing the fine amount, if already not deposited, appellant-Hiralal shall be released on bail, on his furnishing personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) along with solvent surety in the like amount to the satisfaction of trial Court, for their appearance before the Registry of this Court firstly on 18.12.2023, and on such other dates, as may be fixed by the Registry in this regard, till final disposal of this appeal.

8. List the matter for final hearing in due course. Certified copy as per rules.