

(2020) 07 MP CK 0035

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 10839 Of 2019

Jaan Alam And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 28-07-2020

Acts Referred:

Arms Act, 1959 — Section 25(1B)A

Indian Penal Code, 1860 — Section 34, 307, 307(2), 324

Citation : (2020) 07 MP CK 0035

Hon'ble Judges : Anjuli Palo, J

Bench : Single Bench

Advocate : Sanjay Sharma, D. K.Gangrade

Final Decision : Allowed/ Disposed Of

Judgement

Considering the averments made in I.A.No. 7046/2020, the same is allowed. The documents are ordered to be taken on record.

Heard on admission. Perused the record.

Appeal seems to be arguable, hence admitted for final hearing.

Heard on I.A.No.23040/2019, which is first application for suspension of sentence and grant of bail to the appellants. The appellants stand convicted

vide order dated 03.12.2019 passed by the Additional Session Judge, Seoni in Session Trial No. 90/2013. Appellants No. 1 to 3 have been convicted

for offences punishable under Sections 307/34, 324/34 and 324/34 of the Indian Penal Code and sentenced to undergo RI for 7 years, 2 years and 2

years, respectively with fine and default stipulation. Appellant No.4 has been convicted under Sections 307, 324 and 324 of the Indian Penal Code and

sentenced to undergo RI for 7 years, 2 years and 2 years, respectively and under Section 25(1-B)(b) of the Arms Act and sentenced to undergo RI

for 1 year with fine and default stipulations.

Learned counsel for the appellants submits that a counter case has been registered against the complainants Firoz and Sheikh Saddam on the same

day on which the incident occurred. Firoz has been convicted under Sections 307(2), 324 of IPC and 25(1-B)(b) of the Arms Act and Sheikh Saddam

has been convicted under Section 307/34 and 324/34 of the IPC and awarded sentence along with fine. It is further submitted that their remaining jail

sentence has been suspended and they have been released on bail by the Coordinate Bench of this Court vide order dated 18.06.2020 passed in CRA

No. 10760/2019 (connected case). Hence, it is prayed that the substantive jail sentence of the appellants be suspended and they be released on bail.

Learned Panel Lawyer for the State has vehemently opposed the contentions of the learned counsel for the appellants.

In paragraph 54 of the impugned judgment, the learned trial Court gave finding that accused Murtaza, Jameel and Jaan Alam also sustained injuries in

the incident. However, in paragraph 104 of the impugned judgment, it is mentioned that although, both the parties had entered into compromise,

however, looking to the gravity of offence, learned trial Court awarded sentence of RI for 7 years to the appellants for committing offence under

Section 307 of the IPC.

Considering the facts and circumstances of the case, order passed by the Coordinate Bench of this Court in CRA No. 10760/2019, without

commenting upon the merits of the case, I.A. No.23040/2019 is allowed.

It is directed that on depositing fine amount, if not already deposited and furnishing personal bond in the sum of Rs. 50,000/- (Rupees Fifty Thousand

Only) each with one solvent surety each in the like amount to the satisfaction of the trial Court, the remaining part of the substantive jail sentence

imposed upon appellants namely Jaan Alam, Jameel Khan, Sameem Khan and Mohd. Murteja @ Kaddu Miy ashall stand suspended during the

pendency of this case and they be released on bail. The appellants shall appear before the concerned trial Court on 23.11.2020 and on all such

subsequent dates, as may be fixed in this regard during the pendency of this appeal.

I.A.No. 23040/2019 stands disposed of.

List the case for hearing in due course.