
(2002) 05 CHH CK 0023
In the Chhattisgarh High Court
Case No : Criminal Appeal No. 449 of 2002

Jamadar alias Jhadu and Others

APPELLANT

Vs

State Govt. of Chhattisgarh

RESPONDENT

Date of Decision : 10-05-2002

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 389

Citation : (2002) 3 MPHT 5

Hon'ble Judges : K.H.N. Kuranga, C.J

Bench : Division Bench

Advocate : Ajay Shrivastava, for the Appellant; P.S. Koshy, Government Advocate, for the Respondent

Judgement

Hon''ble Judges: K.H.N. Kuranga, C.J.—Heard.

This application, Misc. Criminal Petition No. 1815/2002 has been filed by the appellants for suspension of sentence and for grant of bail.

2. The appellant No. 1 has been convicted for the commission of the offence punishable u/s 363 of IPC and has been sentenced to undergo RI for three years and to pay a fine of Rs. 500/-, in default of payment of fine to further undergo RI for three months and also convicted under Sections 366 and 376 of IPC and has been sentenced to undergo RI for 7 years and to pay fine of Rs. 500/-, in default of payment of fine to further undergo RI for three months on both counts. The appellant Nos. 2 and 3 have been convicted u/s 363 read with Section 34 of IPC and have been sentenced to undergo RI for three years and to pay fine of Rs. 500/- each, in default of payment of fine to further undergo RI for three months and also convicted under Sections 366 read with Sections 34 and 376 read with Section 34 of IPC and have been sentenced to undergo RI for 7 years and to pay fine of Rs. 500/- each, in default of payment of fine to further undergo RI for three months on both counts.

3. It is stated in the application that the appellants are aged between 20 and 22

years and they were on bail during the trial and they have not misused the liberty granted to them, which is not disputed by the learned Counsel for the respondent/State.

4. Having regard to the facts and circumstances of the case and the sentences imposed on the appellants, the application (M.Cr.P. No. 1815/2000), has to be allowed and it is allowed. The sentences imposed on the appellants are suspended and they are directed to be released on bail on each of them executing a bond in the sum of Rs. 10,000/- with two sureties for the like sum to the satisfaction of the Trial Court for their appearance before the Registry of this Court on 10-10-2002. They shall thereafter appear before the Trial Court on a date to be given to them in this behalf by the Registry and shall thereafter continue to appear before the Trial Court on all the dates as are given to them by the said Court in that behalf, till the disposal of this appeal.

5. M.Cr.P. No. 1815/2002 stands disposed of.

Parties are entitled for certified copy of this order.