

(2022) 12 MP CK 0091

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 11625, 11667 Of 2022

Jeet @ Indrajeet And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 13-12-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Indian Penal Code, 1860 — Section 25(1B), 34, 324

Citation : (2022) 12 MP CK 0091

Hon'ble Judges : Dinesh Kumar Paliwal, J

Bench : Single Bench

Advocate : Rahul Tripathi, Paritosh Trivedi, C.K.Mishra

Judgement

Dinesh Kumar Paliwal, J

Heard on I.A. No.23581/2022 and I.A.No.23526/2022, application under Section 389(1) of Cr.P.C. for suspension of sentence and grant of bail to appellant pending the appeal.

Appellant-Jeet @ Indrajeet has been convicted for commission of offence under Section 324 of IPC and has been sentenced to undergo R.I. for three years with fine of Rs.3000/- and appellant- Gagan @ Tarun has been convicted for commission of offence under Section 324/34 and Section 25(1-B) (B) of IPC and has been sentenced to undergo R.I. for three years with fine of Rs.3000/- and R.I. for two years and fine of Rs.2000/- with default stipulations vid e judgment dated 25.11.2022 delivered by 1st ASJ, Balaghat, District Balaghat (M.P.) in Special Case No.03/2015 (State of M.P. Vs. Jeet @ Indrajeet and another).

Learned counsel for the appellants have submitted that appellants have not committed any offence. They have been wrongly convicted by the trial Court. Learned counsel for the appellants have submitted that in the course of trial appellants were on bail. They have not misused the liberty granted to them by way of bail during trial. It is further submitted that after judgement of conviction

and order of sentence, learned trial court itself has released appellants on bail till 24.12.2022. Trial Court has not properly appreciated the evidence of witnesses as it has not considered the omissions and contradictions appeared in the evidence of witnesses. Appellants have fair chance to succeed in appeal. Trial Court has also not considered the defence put forth by the appellants. Therefore, it has been prayed that the appellants be released on bail.

On the other hand, learned Government Advocate for the respondent/State has opposed the grant of bail to the appellants.

Having considered the short nature of sentence and the fact that there is no possibility of hearing of this appeal in near future, I am inclined to suspend the remaining jail sentence of the appellants.

Consequently, I.A. No.23581/2022 and I.A.No.23526/2022 are allowed. The execution of jail sentence of appellants- Jeet @ Indrajeet, Shive Mohare and Gagan @ Tarun is hereby suspended subject to depositing the fine amount, (if not already deposited). It is directed that the appellants be released on bail on their furnishing a personal bond to a sum of Rs.50,000/- (Rupees fifty thousand only) each with one solvent surety each of the like amount to the satisfaction of the trial court with a further direction to appear before the trial Court on 9.5.2023 and also on such other dates, as may be fixed by that Court in this regard during the pendency of this appeal.

List this appeal for admission after receiving record.

Certified copy as per rules.