
(2011) 01 P&H CK 0186

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 59295 of 2010 in Criminal Appeal No. 933-SB of 2010

Kalawati

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 25-01-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 149

Citation : (2011) 01 P&H CK 0186

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Judgement

Augustine George Masih, J.—These applications have been filed by the applicants-Appellants Kalawati and Om Parkash praying for suspension of sentence during the pendency of the appeal.

2. Counsel for the applicants-Appellants submits that as regards Om Parkash, the allegations against him is that he had provoked his co-accused to open fire towards the complainant and Kalawati has been alleged to have armed with Danda and she gave a blow on the forehead of the complainant. He contends that as a matter of fact, no firearm was used during the occurrence and the injury which has been attributed to Kalawati on the forehead of Bhoop Singh has been found to be simple in nature. They have been convicted and sentenced by the aid of Section 149 IPC for five years and Om Parkash has undergone more than one year of sentence whereas Kalawati has undergone more than 10 months. He contends that in the light of the role attributed to the applicants-Appellants and keeping in view the fact that appeal is not likely to be heard soon, their prayer for suspension of sentence be granted.

3. On the other hand, counsel for the State and the complainant do not rebut the contention as has been raised by the counsel for the Appellants, however, it has been stated that since they had with unlawful assembly, caused the injuries on the person of the complainant, therefore, the concession as prayed for be not

granted to them.

4. I have heard counsel for the parties and gone through the record of the case.

5. Keeping in view the allegations made against the Appellants and also that they have already undergone sentence more than one year in the case of Om Parkash and Kalawati more than 10 months, the prayer as made in the application needs to be accepted for the reasons that the appeal is not likely to be heard soon.

6. Accordingly, the sentence of the applicants-Appellants Om Criminal Misc. Nos. 59295 and 59471 of 2010 in Criminal Appeal No. 933-SB of 2010 -3-Parkash and Kalawati is suspended during the pendency of the appeal. They be enlarged on bail to the satisfaction of Chief Judicial Magistrate, Sirsa.