
(2020) 09 MP CK 0208
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 9108 Of 2019

Kashiram Mehara	Vs	APPELLANT
State Of Madhya Pradesh		RESPONDENT

Date of Decision : 25-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 342, 354, 506II

Citation : (2020) 09 MP CK 0208

Hon'ble Judges : Mohd. Fahim Anwar, J

Bench : Single Bench

Advocate : Sanjeev Kumar Tiwari, Amitabh Bharti

Final Decision : Disposed Of

Judgement

Heard on I.A.No.19528/2019, an application for suspension of sentence and grant of bail to the appellant.

The trial Court has convicted the appellant under Section 342 of IPC and sentenced to undergo R.I., for 6 months, under section 354 of IPC and sentenced to undergo R.I. for 2 years and 6 months and to pay fine of Rs.2,000/- and under section 506-II of IPC and sentenced to undergo R.I. for 2 years and to pay fine of Rs.2,000/-, with default stipulations.

Learned counsel for the appellant has submitted that the judgment of conviction was pronounced on 30.8.2019 by which appellant was sentenced as mentioned above. On the date of judgment appellant's sentence was suspended till 24.10.2019. Appellant has not sought the order of suspension from this Court, so he has surrendered on 2.3.2020 before the trial Court and he has been sent to jail. Since then he is serving jail sentence. It is further submitted that there is no likelihood of coming up of this appeal for final hearing in near future, hence, the jail sentence of the appellant be suspended and he be released on bail.

Learned counsel for the respondent has vehemently opposed the application for suspension of sentence and grant of bail.

Looking to the facts and circumstances of the case and the sentence awarded to the appellant, I am of the view that the sentence awarded to the appellant deserves to be suspended.

Consequently, I.A.No.19528/2019 is allowed and it is directed that subject to depositing the fine amount, remaining jail sentence of appellant shall remain suspended. It is further directed that on furnishing a personal bond in the sum of Rs.50,000/- (Rupees fifty thousand only) along with a surety of like amount to the satisfaction of trial Court, appellant be released on bail with a further direction to appear before the Chief Judicial Magistrate, Narsinghpur, on 7.12.2020 and on such other dates, as may be fixed by the Court, in this regard, till disposal of this appeal.

Record of the trial Court be called for.

C.C. as per rules.