

(2023) 08 MP CK 0154

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 11056 Of 2023

Khalid Khan And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 31-08-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Indian Penal Code, 1860 — Section 120B, 420, 467, 468
Essential Commodities Act, 1955 — Section 3, 7

Citation : (2023) 08 MP CK 0154

Hon'ble Judges : Achal Kumar Paliwal, J

Bench : Single Bench

Advocate : Sahil Sonkusale, Himanshu Tiwari

Judgement

Achal Kumar Paliwal, J

Heard on admission.

The appeal is admitted for final hearing.

Record of the trial Court be requisitioned.

Also heard on IA No.20749/2023, an application under Section 389(1) of the Cr.P.C. for suspension of remaining jail sentence and grant of bail to appellants Khalid Khan and Mohd. Ajaz Khan.

The appellants have been convicted under Section 420/120-B of IPC and sentenced to undergo R.I. for 3 years with fine of Rs.1000/-, under section 467/120-B of IPC and sentenced to undergo RI for 3 years with fine of Rs. 1000/-, under section 468/120-B of IPC and sentenced to undergo RI for 3 years with fine of Rs. 1000/-, and under section 3/7 of Essential Commodities Act and sentenced to undergo RI for 6 months with fine of Rs. 1000/- each, with default stipulations.

Learned counsel for the appellant submits that Trial Court has suspended the

sentence of the appellants till 19.9.2023. Final hearing of this appeal is not possible in near future. Thus, it is prayed that remaining jail sentence of the appellants may be suspended.

The prayer is opposed by learned counsel for the State.

Considering the short sentence coupled with the fact that final hearing of this appeal is not possible in near future, I deem it proper to suspend the remaining jail sentence of the appellants.

Accordingly, IA No.20749/2023 is allowed.

Subject to depositing the fine amount, if not already deposited, the remaining jail sentence of the appellants are hereby suspended and it is directed that the appellants be released on bail on their furnishing a personal bond for a sum of Rs.30,000/- (Rupees thirty thousand only) each with separate solvent surety of the like amount to the satisfaction of the trial court with a further direction to appear before the trial court Bhopal on 30.10.2023 and also on such other dates, as may be fixed by the trial court in this regard during the pendency of this appeal.

List the matter for final hearing in due course.

C.C. as per rules.