

(2023) 02 MP CK 0059

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 2738 Of 2023

Kuldeep Urf Prince

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 20-02-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Indian Penal Code, 1860 — Section 147, 149, 323, 365

Citation : (2023) 02 MP CK 0059

Hon'ble Judges : Rajendra Kumar (Verma), J

Bench : Single Bench

Advocate : R.S. Patel, Shakti Tripathi

Judgement

Rajendra Kumar (Verma), J

Also heard on I.A No.4177/2023 which is an application under Section 389(1) of Cr.P.C for suspension of sentence moved on behalf of appellant.

The appellant has been convicted for offence under Sections 147, 323/149, 452 and 365 of IPC and sentenced to undergo R.I. for 06 months, 06 months, 01 year and 02 years with fine of Rs.500/-, Rs.500/-, Rs.500/- and Rs.500/- respectively also with default stipulations.

Learned counsel for the appellant submits that the appellant is innocent and has been falsely implicated in the matter. The learned trial Court has erred in not appreciating the fact that there are material omissions and contradictions in the version of the prosecution witnesses. The jail sentence of the appellant has been suspended by the Trial Court till 20.03.2023 and during bail he did not misuse the liberty granted to them. It is further submitted that there is no likelihood of hearing of appeal in near future. Hence, counsel prayed that application for suspension of sentence may be allowed.

Learned counsel for the State on the other hand has opposed the application and prays for its rejection.

In due consideration of the submissions made on behalf of the appellant, on perusal of the record and looking to the fact that the jail sentence of the appellant is already suspended, it would be appropriate to suspend the jail sentence of the appellant.

Accordingly, aforesaid I.A. filed on behalf of appellant is allowed and it is directed that subject to deposit of fine amount if already not deposited and on furnishing personal bond by appellant in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount to the satisfaction of the learned trial Court, for their regular appearance before the concerned trial Court, the execution of custodial part of the remaining sentence imposed against the appellants shall remain suspended, till the final disposal of this appeal.

The appellant, after being enlarged on bail, shall mark his presence before the concerned trial Court on 13.06.2023 and on all such subsequent dates, which are fixed in this regard by the concerned trial Court. Let the record of the Court below be requisitioned.

List along with Cr.A. No.2556/2023 in due course for final hearing.

Certified copy, as per rules.