

**(2023) 09 MP CK 0013**

**In the Madhya Pradesh High Court**

**Case No : Criminal Appeal No. 11316 Of 2023**

Lakhan And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

**Date of Decision : 04-09-2023**

**Acts Referred:**

Indian Penal Code, 1860 — Section 34, 323

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(va)

**Citation : (2023) 09 MP CK 0013**

**Hon'ble Judges : Prem Narayan Singh, J**

**Bench : Single Bench**

**Advocate : Akhilesh Kumar Saxena?, Rajesh Joshi**

## **Judgement**

Prem Narayan Singh, J

1. Heard on the question of admission.
2. The appeal appears to be arguable hence, admitted for final hearing.
3. Also heard on I.A. No.13551/2023, which is an application filed on behalf of the appellants for suspension of sentence and grant of bail.
4. The appellants have been convicted under Sections 323/34 (two counts) of the IPC and Section 3(2)(va) of SC/ST (P.A.) Act and sentenced to undergo 6-6 months (two counts) R.I, 2 years R.I. & 2 years R.I. with fine of Rs.500/- - Rs.500/-, Rs.1,000/- & Rs.1,000/- respectively and usual default stipulations.
5. Learned counsel for the appellants submitted that the learned trial Court has already suspended the jail sentence of the appellants till 04.09.2023. He further submitted that final hearing of this appeal is likely to take sufficient long time. Under these circumstances, looking to the short sentence, learned counsel prays that the application for suspension of sentence of the appellant be allowed.
6. Learned counsel for the State opposed the prayer and prayed for dismissal of

the application for suspension of sentence.

7. Looking to the facts and circumstances of the case, contention of learned counsel for the appellants, the short sentence of the appellants and the fact that the trial Court has already suspended the jail sentence of the appellants, without commenting on the merits of the case, the application is allowed.

8. It is directed that subject to depositing the fine amount, if already not deposited, the appellants shall be released on bail, on furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) each with a solvent surety in the like amount to the satisfaction of Trial Court, for his appearance before the Registry of this Court firstly on 18.12.2023 and on such other dates, as may be fixed by the Registry in this regard, till final disposal of this appeal.

9. Let the record of the Court below be requisitioned.

10. List the matter for final hearing in due course.

Certified copy, as per rules.