

(2023) 04 MP CK 0103

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 5673 Of 2023

Laxminarayan @ Lachchha And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 25-04-2023

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323
Code Of Criminal Procedure, 1973 — Section 389

Citation : (2023) 04 MP CK 0103

Hon'ble Judges : Deepak Kumar Agarwal, J

Bench : Single Bench

Advocate : Madan Mohan Tripathi, G.S. Chauhan

Final Decision : Allowed/Disposed Of

Judgement

Deepak Kumar Agarwal, J

Heard on I.A.No.7334/23 first application u/Sec. 389 of Cr.P.C. for suspension of sentence and grant of bail filed on behalf of appellants No.1 Laxminarayan@Lachcha, Appellant No.2 Vishunlal and appellant No.3 Shushila.

This criminal appeal has been filed against the judgment dated 31.03.2023 passed in ST No.224/2017 by First Additional Sessions Judge, District Morena whereby the appellants have been convicted under Sections 323/34 and 323 each of IPC and sentenced to undergo 6-6 months' R.I., each, with fine of Rs.500-500/- each, with default stipulations.

It is submitted by counsel for the appellants that the appellants were on bail during trial. They have not misused the liberty granted to them. They are ready to abide by all the conditions that may be imposed by this Court. Appeal is of the year 2023 which may take long time for it's conclusion. Under these circumstances, the execution of sentence be suspended and the appellants be released on bail.

On the contrary, learned counsel for the State opposed the application and prayed for its rejection.

Keeping in view of the aforesaid submissions of learned counsel for the parties and the fact that an early hearing of this case is not possible and that learned trial Court has already suspended jail sentence of the appellants till 01.05.2023 ,I.A.No.7334/23 is allowed.

It is therefore, directed that if appellants deposit the entire fine amount, if not already deposited, and furnish a personal bond in the sum o f Rs.25,000/- (Rupees Twenty Five Thousand Only) each with one solvent surety each of the like amount to the satisfaction of concerned Trial Court for his appearance before the Principal Registrar of this Court on 16th October, 2023 and on such further dates as may be fixed by the office in this regard, sentence of imprisonment awarded to them shall remain suspended till further orders and they shall be released on bail.

Application (I.A.No.7334/23) is allowed and disposed of.

A copy of this order be sent to the trial Court concerned for necessary compliance.

C.c. as per rules.