

(2024) 04 MP CK 0153
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 4914 Of 2024

Lokesh Kahar

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 22-04-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)

Indian Penal Code, 1860 — Section 323, 325, 354

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

Citation : (2024) 04 MP CK 0153

Hon'ble Judges : Prakash Chandra Gupta, J

Bench : Single Bench

Advocate : Anuj Yadav, Viraj Godha

Judgement

Prakash Chandra Gupta, J

None present for the complainant, though served.

Heard on the question of admission.

The appeal is admitted for final hearing.

Let record of the trial Court be requisitioned.

1. Also heard on I.A. No.6172/2024, which is first application under Section 389(1) of Cr.P.C. for suspension of jail sentence and grant of bail moved on behalf of appellant - Lokesh Kahar.

2. Learned trial Court has convicted the appellant under Sections 323, 354 and 325 of IPC and sentenced to undergo three months' RI fine of Rs.500/- , one year RI with fine of Rs.500/- and one year RI with fine of Rs.500/- and Sections 3(I)(W)(i) and 3(2)(va) of SC/ST (Prevention of Atrocities), Act and sentenced to undergo RI for 01 year with fine of Rs.500/- and RI for 01 year with fine of Rs.500/-respectively with default stipulations, vide judgment of conviction and

order of sentence dated 01.04.2024 passed by the Special Judge, SC/ST (Prevention of Atrocities), Act, District Dewas in S.T. No.163/2018.

3. Learned counsel for the appellant submits that appellant has not committed any offence and he has falsely been implicated in the case. Learned trial Court has already suspended the jail sentence of the appellant till 01.05.2024. Final disposal of this appeal will take sufficient long time, therefore, it is prayed that the remaining jail sentence of the appellants may be suspended and they be released on bail.

4. Learned counsel for the respondent/State has opposed the prayer and prayed for its rejection.

5. Considering the short term of sentence coupled with the fact that final hearing of this appeal is not possible in near future, without expressing any opinion on merits of the case, I.A. No.6172/2024 is allowed and jail sentence of the appellant shall remain suspended.

6. It is directed that subject to depositing the fine amount, if already not deposited, appellant - Lokesh Kahar shall be released on bail, on furnishing personal bond in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) with a solvent surety in the like amount to the satisfaction of trial Court, for their appearance before the Registry of this Court firstly on 22.05.2024, and on such other dates, as may be fixed by the Registry in this regard, till final disposal of this appeal.

List in due course. Certified copy, as per rules.