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**(2021) 01 MP CK 0126**  
**In the Madhya Pradesh High Court**  
**Case No : Criminal Appeal No.1972 Of 2020**

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|-------------------------|----|------------|
| Mahendra Yadav          | Vs | APPELLANT  |
| State Of Madhya Pradesh |    | RESPONDENT |

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**Date of Decision :** 27-01-2021

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 389(3)

**Citation :** (2021) 01 MP CK 0126

**Hon'ble Judges :** Vishnu Pratap Singh Chauhan, J

**Bench :** Single Bench

**Advocate :** Ajay Kumar Singh, Manoj Kumar Singh,

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## Judgement

Vishnu Pratap Singh Chauhan, J

After perusal of the statements of prosecutrix and other witnesses, this appeal is having an arguable point, hence, it is admitted for final hearing.

Learned counsel for the appellant submits that he has filed the application for suspension of sentence (I.A.No.3921/2020). The jail sentence of the

appellant was suspended by the trial Court after passing the judgment for 60 days under Section 389(3) of the Cr.P.C. and this Court further extended

that period for 30 days. Thereafter, due to Lock-down, the case was not listed before this Court. He further fairly accepted that now-a-days, the

appellant is moving outside without any order of the competent Court.

Keeping in view the facts and circumstances of the case, this Court is of the view that first the appellant will surrender before the trial Court within

seven days from today and thereafter this application for suspension of sentence may be considered.

In case, the appellant not surrender before the trial Court within seven days from

today, the trial Court shall adopt coercive action for securing the presence of the appellant and in case, the appellant surrenders before the trial Court, he will be sent to the jail for undergoing the remaining part of sentence and apprise this Court about his surrender.

Certified copy as per rules.