

(2023) 04 MP CK 0091

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 5815 Of 2023

Manju @ Arvindra Pateriya

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 28-04-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Indian Penal Code, 1860 — Section 324, 326

Citation : (2023) 04 MP CK 0091

Hon'ble Judges : Dinesh Kumar Paliwal, J

Bench : Single Bench

Advocate : Martand Paliwal, Dileep Shrivastava

Judgement

Dinesh Kumar Paliwal, J

Heard on I.A.No.9285/2023, an application under Section 389(1) of Cr.P.C. for suspension of jail sentence and grant of bail to the appellant pending the appeal.

The appellant has been convicted for commission of offence under Section 326 and 324 of IPC and has been sentenced to R.I. for 02 years, and fine of Rs.2000/- with default stipulations by the learned 1st Additional Sessions Judge, Bijawar to Additional Judge, Bijawar, District Chhatarpur (M.P.) vide judgment dated 10.4.2023 passed in Sessions Trial No.38/2017 (State of M.P. Vs. Manju @ Arvindra Pateriya).

Learned counsel for the appellant has submitted that appellant has been released on bail till 10.5.2023 by the trial Court itself. During trial, he was on bail and he has not misused the liberty granted to him by way of bail. Learned counsel further submitted that he has fair chances to succeed in appeal. There is no possibility of coming of this appeal for hearing in near future. Therefore, if the jail sentence is not suspended, the purpose of filing this appeal would become futile.

On the other hand, learned counsel for the respondent/State has opposed the

prayer for grant of bail to the appellant.

Considering the short nature of sentence and contention of learned counsel for the appellant, I deem it proper to suspend the remaining jail sentence of the appellant because final hearing of this appeal is not possible in near future.

Consequently, I.A.No.9285/2023 is allowed. The execution of jail sentence of appellant - Manju @ Arvindra Pateriya is hereby suspended subject to depositing the fine amount, if not already deposited. It is directed that the appellant be released on bail on his furnishing a personal bond to a sum of Rs.50,000/- (Rupees Fifty thousand only) with one solvent surety of the like amount to the satisfaction of the trial Court with a further direction to appear before the trial Court on 26.07.2023 and also on such other dates, as may be fixed by that Court in this regard during the pendency of this appeal.

List the case for admission immediately after receipt of record.

Certified copy as per rules.