

(2023) 05 MP CK 0075

In the Madhya Pradesh High Court

Case No : Criminal Appeal No.6817 Of 2015

Monu @ Aman And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 18-05-2023

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) 05 MP CK 0075

Hon'ble Judges : Milind Ramesh Phadke, J

Bench : Single Bench

Advocate : Arshad Ali, Rajeev Upadhyay

Judgement

Milind Ramesh Phadke, J

The appeal being arguable is admitted for final hearing.

Heard on I.A. No. 9110/2023 which is first application for suspension of sentence and grant of bail on behalf of the appellants, namely, Monu @ Aman, Anju, Udit.

Appellants stand convicted under Sections 323/34 of IPC (two counts) read with Section 3(2)(va) of SC/ST Act and sentenced to undergo 6-6 months' RI (on each count) with fine of Rs. 1000/- with default stipulations vide judgement dated 18/04/2023 passed in SC ATR/02/2022 by Special Judge, Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act), 1989, Sheopur (M.P.).

As per the prosecution story, on 03.09.2021, the incident had occurred at 15:00 PM when the complainant was attending class at Government Public School at Girdharpur, at that time, some altercation was started by the present appellant with respect to sitting in class. After the school hours when both of them came out from school that the present complainant was subjected to assault as well as filthy abuses about caste remarks etc. It was also intimated further to the police that outside students were called by the appellants and the complainant was

beaten by the present appellants and his outside friends. Resultantly, complainant received injury in his left hand as well as mouth and also received right ear. Hence, on the basis of aforesaid, FIR has been registered in connection with crime No.17/2021.

It is submitted by the counsel for the appellants that the appellants have been wrongly convicted and sentenced by the trial Court without proper appreciation of evidence placed on record. It is further submitted that the jail sentence of appellants have already been suspended by the trial Court till 18/05/2023. Fine amount has already been deposited by the appellants before the trial Court. He further submitted that the final hearing of appeal is not possible in near future. Therefore, he prays for suspension of jail sentence and grant of bail to the appellants.

Per contra, the application is vehemently opposed by the Counsel for the State and it is submitted by the State counsel that no case for suspension of jail sentence and grant of bail to the appellants is made out.

Heard the learned counsel for the parties.

Considering the submission made by the learned counsel for the parties coupled with the fact that incident occurred due to some trivial issue and the sentence of the appellants have already been suspended by the Trial Court till 18/05/2023, and that there are omnibus allegations levelled against the appellants, the application for suspension of sentence (I.A.No.9110/2023) is allowed. On depositing the fine amount, if not already deposited, and on furnishing personal bond in the sum of Rs.1,00,000/- (Rupees One Lac Only) each with one surety each in the like amount to the satisfaction of the Trial Court/CJM/Remand Magistrate (Whosoever is available), the remaining jail sentence of the appellants shall remain suspended and the appellants shall be released on bail.

This order shall remain in force, till the conclusion of the present appeal.

In case of bail jump or violation of any of the conditions mentioned above, this bail order shall automatically lose its effect.

T h e appellants shall appear before the Registry of this Court on 07/08/2023 and on all other dates, which may be given by the Registry in this behalf.