

(2023) 06 MP CK 0098

In the Madhya Pradesh High Court

Case No : Criminal Revision No. 2763 Of 2023

Mustakim

APPELLANT

Vs

Tarun Furniture And Home Cecore Through Proprietor Mamta

RESPONDENT

Date of Decision : 28-06-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 397(1)
Negotiable Instruments Act, 1881 — Section 138

Citation : (2023) 06 MP CK 0098

Hon'ble Judges : Prem Narayan Singh, J

Bench : Single Bench

Advocate : Anshul Shrivastava, Shubham Yadav

Judgement

Prem Narayan Singh, J

Heard on I.A. No.9458/2023 which in an application for dispensing with certified copy of order 27.01.2023 passed by the trial Court.

For the reasons assigned in the application, the same is allowed and stands disposed off.

Also heard on I.A. No.9456/2023, which is an application filed under Section 397(1) of Cr.P.C. for suspension of jail sentence and grant of bail filed on behalf of the petitioner - Mustakim.

Petitioner has been convicted under Section 138 of Negotiable Instrument Act and sentenced him to undergo RI for 01 year with fine of Rs.2,35,000/-with default stipulation.

Counsel for petitioner submitted that both the parties have compromised the case and total amount of compensation has already been deposited. It is further submitted that the application for compromise has already been filed on record. Hence, prays for suspension of jail sentence. It is also prayed that after verifying their compromise, the revision petition should be decided finally at motion stage.

Counsel for the respondent has not disputed the factum of compromise. On due consideration of the submissions made on behalf of the petitioner regarding compromise available on record and looking to the fact that the applicant is in jail since 20.06.2023 and looking to the fact that the jail sentence of the petitioner is already suspended, it would be appropriate to suspend the jail sentence of the petitioner.

Accordingly, I.A. No.9456/2023 filed on behalf of petitioner is allowed. On furnishing personal bond by petitioner in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with one solvent surety in the like amount to the satisfaction of the learned trial Court, for his regular appearance before the registry of this Court, the execution of custodial part of the remaining sentence imposed against the petitioner shall remain suspended, till the final disposal of this petition.

The appellant, after being enlarged on bail, shall mark his presence before the registry of this Court on 05.07.2023 and on all such subsequent dates, which are fixed by the registry in this regard.

Both the parties are also directed to appear before the Principal Registrar of this Court on 05.07.2023 for verification of the compromise.

List the mater thereafter alongwith the verification report.