

(2024) 05 MP CK 0095

In the Madhya Pradesh High Court

Case No : Criminal Revision No. 2260 Of 2024

Natthu Singh Kushwah And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 17-05-2024

Acts Referred:

Indian Penal Code, 1860 — Section 148, 149, 332, 341

Citation : (2024) 05 MP CK 0095

Hon'ble Judges : Sanjay Dwivedi, J

Bench : Single Bench

Advocate : Manish Datt, Eshaan Datt, Vivek Lakhera

Final Decision : Allowed

Judgement

Sanjay Dwivedi, J

Heard on the question of admission.

Perused the impugned judgment.

Revision appears to be arguable, therefore, it is admitted for final hearing.

Record of the Courts below be called for.

Also heard on I.A. No.12021/2024, which is an application for suspension of sentence and grant of bail to the applicants.

This revision is against the judgment dated 03.05.2024 passed in Criminal Appeal No.04/2023 by the Court of XIX Additional Sessions Judge, Gwalior, whereby the judgment of conviction passed by the trial Court under Sections 148, 341, 332/149 of the Indian Penal Code passed in S.C.P.P.M. No. 25/2022 has been affirmed by the appellate Court. By the judgment passed by the trial Court, the present applicants have been convicted for the offence punishable under Sections 148, 341, 332/149 of IPC and sentenced thereunder to suffer R.I. for two years, S.I. for one month and R.I. for two years, respectively, with fine of

Rs.500/- (on two counts) and Rs.6,000/-, respectively, with default stipulations.

Learned counsel for the applicants submits that the present applicants are in jail. He submits that only four persons have been convicted and there was a mob doing dharna-pradarshan and the police came over there and in the said agitation, it is alleged that force has been used by the present applicants along with others against the police officials and also caused some injuries to them. He submits that it was the mob doing agitation and though there was no specific identification about the present applicants but on the aid of Section 149 of IPC, they have been convicted. He further submits that the applicants are ready to abide by the conditions imposed by the Court, if bail is granted to them. He further submits that the final hearing of the revision will take long time and if the applicants remain in jail, the purpose of filing this revision would be frustrated.

On the other hand, learned Government Advocate opposes the application for suspension of sentence and prayed for its rejection.

Considering the aforesaid and taking note of period of sentence awarded to the applicants, I am inclined to consider and allow the application.

Accordingly, without commenting anything on the merits of the case, I.A. No.12021/2024 is allowed.

It is directed that on applicants' depositing the entire fine amount, if not deposited, their remaining jail sentence shall remain suspended and they shall be released on bail upon their furnishing a personal bond each in the sum of Rs.50,000/- (Rupees Fifty Thousand) with a surety bond each of like amount to the satisfaction of trial Court concerned for their appearance before the registry of this Court on 12.08.2024 and on such other dates as may be fixed by it in this regard.

Certified Copy as per rules.