

(2023) 06 MP CK 0047

In the Madhya Pradesh High Court

Case No : Criminal Appeal No.7216 Of 2023

Neeraj And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 13-06-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)

Indian Penal Code, 1860 — Section 34, 323, 325, 427

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(2)(va)

Citation : (2023) 06 MP CK 0047

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : D.S. Rajawat, Rajendra Singh Yadav

Judgement

Sunita Yadav, J

The appeal being arguable is admitted for final hearing.

Record of the Courts below be called for.

Heard o n I.A. No. 10045 of 2023, first application under Section 389 (1) of CrPC for suspension of jail sentence and grant of bail to the appellants. This Criminal Appeal assails the judgment dated 17.05.2023 passed by Special Judge SC/ST (P.A.) Act, Guna (M.P.) in Special Sessions Trial No.98/2018, whereby the appellants have been convicted under Sections 325/34 of IPC r/w. Section 3(2) (va) of SC/ST Act and has been sentenced to undergo rigorous imprisonment of two years with fine of Rs.1,000/-, under Sections 323/34 of IPC r/w. Section 3(2) (va) of SC/ST Act and has been sentenced to undergo rigorous imprisonment of six months with fine of Rs.1,000/-, under Section 427 of IPC and has been sentenced to undergo rigorous imprisonment of six months with fine of Rs.3,000/- with default stipulations.

Learned counsel for the appellants submits that the trial Court has wrongly

convicted the appellants without proper appreciation of facts of the case. He further submits that the trial Court has already suspended the jail sentence of the appellants for a period of one month from the date of judgment i.e. 17.5.2023. Further argument is that present criminal appeal is likely to take long time to conclude and the appellants are ready and willing to abide by all the conditions which may be imposed by this Court. Hence, he prayed to suspend the jail sentence and grant of bail to the appellants.

On the other hand, learned counsel for the State vehemently opposed the application and prayed for its rejection.

Heard learned counsel for the parties and perused the materials available on record.

Considering the arguments rendered by learned counsel for the appellant as well as facts and circumstances of the case, without commenting on merits of the case, I.A.No.10045 of 2023 is hereby allowed. Subject to depositing of fine amount, if not already deposited, and on furnishing personal bond by each of the appellant in the sum of Rs.50,000/- (Rupees Fifty Thousand only) with a solvent surety of the like amount to the satisfaction of the concerned trial Court, the remaining jail sentence of appellants shall remain suspended and they be released on bail. The appellants are further directed to mark their appearance before the Office of this Court on 11.09.2023 and on subsequent dates given by the Office in this regard, till final disposal of this appeal.

List the case for final hearing in due course.

A copy of this order be sent to the concerned Court below for compliance.

Certified copy/ e-copy as per rules/directions.