
(2022) 04 MP CK 0039

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 3328 Of 2022

Nitin Malviya

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 13-04-2022

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Indian Penal Code, 1860 — Section 332

Citation : (2022) 04 MP CK 0039

Hon'ble Judges : Dinesh Kumar Paliwal, J

Bench : Single Bench

Advocate : Kapil Duggal, Vinod Tiwari, Tiwari

Final Decision : Allowed

Judgement

Dinesh Kumar Paliwal, J

Heard on I.A.No. 6114/2022, application under Section 389(1) of the Cr.P.C. for suspension of sentence and grant of bail to the appellant.

The appellant has been convicted under Section 332 of IPC and sentenced to undergo R.I. for 2 years and fine of Rs.1000/- with default stipulation by 5th ASJ, Bhopal.

Learned counsel for the appellant submitted that appellant has been released on bail by the trial Court till 14.04.2022. He has been convicted only for a period of two years and there is no possibility of coming this appeal for hearing in near future. Therefore, if his jail sentence is not suspended, this appeal would become futile.

The prayer is opposed by learned Panel Lawyer for the respondent/State. 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.

Accordingly, aforesaid IA No. 6114/2022 is allowed. The execution of jail sentence of appellant- Nitin Malviya 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.40,000/- (Rupees forty 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 13.09.2022 and also on such other dates, as may be fixed by that Court in this regard during the pendency of this appeal.

Certified copy as per rules.