

(2023) 12 MP CK 0119

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 16188 Of 2023

Radheshyam

APPELLANT

Vs

Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 28-12-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389

Indian Penal Code, 1860 — Section 323

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

Citation : (2023) 12 MP CK 0119

Hon'ble Judges : Subodh Abhyankar, J

Bench : Single Bench

Advocate : ?Manoj Saxena

Judgement

Subodh Abhyankar, J

1. Heard on I.A.No.19714/2023 which is an application for suspension of sentence of the appellant Radheshyam S/o Prabhulal Dangi filed under Section 389 of the Cr.P.C.

2. The appellant has been convicted under Section 323 of IPC and sentenced to undergo six months of RI with fine of Rs.500/- and under Section 3(2)(VA) of SC & ST (Prevention of Atrocities) Act and sentenced to undergo six months RI with fine of Rs.1,000/- with default stipulations.

3. Counsel for the appellant has submitted that the sentence of the appellant has already been suspended by the learned Judge of the trial Court and he is on bail till 21/02/2024. Counsel has further submitted that the appellant has not misused the liberty granted to him and the appeal is not likely to be heard at an early date and looking to the short sentence awarded to the appellant, he be released on bail.

4. The prayer for suspension of sentence is opposed by the learned counsel for

the State.

5. Having considered the rival submissions, perusal of the record and taking note of the fact that the sentence of the appellant has already been suspended by the trial Court till 21/02/2024 and appeal is not likely to be heard at an early date, without expressing any opinion on merits of the case, I.A.No.19714/2023 is allowed and it is directed that upon depositing fine amount, if not already deposited and on furnishing a personal bond by the appellant in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with a 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 the custodial part of the sentence imposed against the appellant shall remain suspended, till the final disposal of this appeal.

6. The appellant after being enlarged on bail, shall mark his presence before the Registry of this Court on 05.02.2024 and on all such subsequent dates, as may be fixed by the Registry of this Court in this regard.

C. c. as per rules