

(2024) 01 MP CK 0002

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 370 Of 2015

Raju @ Santosh And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 08-01-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Indian Penal Code, 1860 — Section 148, 149, 323, 324, 332

Citation : (2024) 01 MP CK 0002

Hon'ble Judges : Dinesh Kumar Paliwal, J

Bench : Single Bench

Advocate : Akash Kaushal, N.S.Solanki

Judgement

Dinesh Kumar Paliwal, J

Call for the Trial Court record.

Heard on I.A. No.364/2024, an application under Section 389(1) of Cr.P.C. for suspension of sentence and grant of bail to appellants.

Appellants have been convicted for commission of offence under Sections 148, 332/149, 323/149 and 324/149 of IPC and each of them have been sentenced to undergo R.I. for 1-1 year and fine of Rs.2000/- in the first count, R.I. for 2-2 years and fine of 2000/- in the second count, R.I. for 1-1 year and fine of Rs.2000/- in third count while R.I. for 2-2 years and fine of Rs.2000/- in the last count with default stipulations respectively vide judgment dated 29.012.2023 delivered by Additional Sessions Judge, District Burhanpur (M.P.), in S.T. No.42/2020 (State of M.P. Vs. Raju @ Santosh and others).

Learned counsel for the appellants has submitted that appellants have not committed any offence. They have been erroneously convicted by the trial Court. It is submitted that in the course of trial appellants were on bail. They have not misused the liberty granted by way of bail during trial. Even after conviction and passing of order of jail sentence, learned trial Court itself had suspended the jail

sentence of the appellants till 29.01.2024. The appellants have fair chance to succeed in the appeal. It is further submitted that a short sentence has been awarded by the trial Court and there is no possibility of hearing of this appeal in near future. Therefore, if the execution of jail sentence of appellants is not suspended, the purpose of filing this appeal would become futile. Therefore, it has been prayed that the execution of jail sentence of appellants be suspended and he be released on bail.

On the other hand, learned counsel for the respondent/State has opposed the grant of bail to the appellants.

Having considered the short nature of sentence and the fact that there is no possibility of hearing of this appeal in near future, I am inclined to suspend the remaining jail sentence of the appellants.

Consequently, I.A. No.364/2024 is allowed. The execution of jail sentence of appellants is hereby suspended subject to depositing the fine amount, (if not already deposited). It is directed that the appellants be released on bail on their furnishing a personal bond to a sum of Rs.50,000/-(Rupees fifty thousand only) each with one solvent surety of the like amount each to the satisfaction of the trial court with a further direction to appear before the trial Court on 23.4.2024 and also on such other dates, as may be fixed by that Court in this regard during the pendency of this appeal.

List after receipt of the record for admission.

Certified copy as per rules.