

(2023) 05 MP CK 0013
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 5970 Of 2023

Raju Yadav And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 04-05-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Indian Penal Code, 1860 — Section 34, 323, 326

Citation : (2023) 05 MP CK 0013

Hon'ble Judges : Sanjeev S Kalgaonkar, J

Bench : Single Bench

Advocate : Pravesh Naveriya, Jitendra Singh

Final Decision : Allowed

Judgement

Sanjeev S Kalgaonkar, J

Heard on admission.

Appeal is admitted for hearing.

Heard on I.A No. 9614 of 2023, an application under Section 389(1) of the Cr.P.C for suspension of sentence and grant of bail to appellants Raju Yadav, Rajjan Yadav, Roshan Yadav and Chaman Yadav arising out of judgment dated 19/04/2023 delivered in S.T. No.95/2019 by the Additional Sessions Judge, Pawai, District Panna.

These appellants have been convicted under Section 326/34 of the I.P.C. and sentenced to undergo R.I. for 3 years each with fine of Rs.1,000/- and under Section 323/34 of I.P.C. and sentenced to undergo R.I. for 3 months each with fine of Rs.500/- with default stipulation.

L e a r n e d counsel for the appellants submitted that appellants/applicants are innocent and have been falsely implicated in the crime in question and were on bail during the trial. The trial Court has not properly appreciated the oral and

documentary evidence available on record. Final disposal of instant appeal would take considerable time. Hence, prayer has been made to suspend the jail sentence of the appellants/applicants.

Learned Panel Lawyer opposed the prayer for suspension of sentence.

Heard learned counsel for the parties.

Considering the aforesaid factual backdrop and without expressing any conclusive opinion on merits, I deem it proper to suspend the remaining jail sentence of the appellants Raju, Rajjan Yadav, Roshan Yadav and Chaman. Accordingly, I.A No. 9614 of 2023 is allowed.

Subject to depositing the fine amount (if not already deposited), the remaining jail sentence of appellants Raju Yadav, Rajjan Yadav, Roshan Yadav and Chaman Yadav are hereby suspended and it is directed that these appellants be released on bail on their furnishing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety each of the like amount to the satisfaction of the trial Court with a further direction to appear before the trial Court, Panna on 12th July, 2023 and also on such other dates as may be fixed by the trial Court in this regard during the pendency of this appeal.

Record of the trial court be requisitioned.

List this case for final hearing in due course.

Certified copy as per rules.