

(2020) 10 MP CK 0076

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 1460 Of 2016 & Criminal Appeal No. 1460 Of 2020

Rambabu Gurjar @ Guddya And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 09-10-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)
Indian Penal Code, 1860 — Section 363, 366, 376(2)

Citation : (2020) 10 MP CK 0076

Hon'ble Judges : J. P. Gupta, J

Bench : Single Bench

Advocate : Ashish Sinha, S. D. Mishra

Final Decision : Dismissed

Judgement

J. P. Gupta, J

Heard on I.A. No.10407/2020, which is the fourth application under Section 389(1) of Cr.P.C. for suspension of sentence and grant of bail filed on behalf of the appellant no.1 Rambabu Gurjar @ Guddya. His second application has been disposed of on merits.

The appellants-accused have filed this appeal against the conviction and sentence dated 01/04/2016 passed by Session Judge, Sehore in Session Trial No.113/2015 convicting the appellant no.1 under Sections 363, 366, 376(2) (Jha) of the IPC and sentencing him to undergo R.I for 5 years. R.I for 7 years and R.I for 10 years, with fine amount with default stipulation, as mentioned in the impugned judgment.

It is submitted that now the appellant no.1 has completed more than half of the period of sentence and the disposal of the appeal will take time, therefore, his sentence be suspended and he be enlarged on bail.

Learned Panel Lawyer opposed the application and prayed for rejection of the

same.

Having considered the contentions of learned counsel for the parties and on perusal of record, this Court is of the view that once the application has been dismissed on merits, further period of custody is not a circumstance to be considered as a substantial change in the circumstances. Therefore, this application also deserves to be rejected. Hence, I.A. No.10407/2020 is rejected.

List the appeal for final hearing in due course.