

(2024) 06 MP CK 0011

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 6612 Of 2024

Ramgopal And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 03-06-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389(1)

Indian Penal Code, 1860 — Section 34, 323

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

Citation : (2024) 06 MP CK 0011

Hon'ble Judges : Rajendra Kumar Vani, J

Bench : Single Bench

Advocate : Trilok Chandra Bansal

Judgement

Rajendra Kumar Vani, J

Heard on I.A.No.11056/2024, which is first application under Section 389(1) of Cr.P.C. for grant of bail and suspension of remaining jail sentence on behalf of all the appellants.

Appellants stand convicted under Sections 323/34 of IPC r/w Section 3(2)(va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and have been sentenced to undergo 01 RI with fine of Rs.1,000/-each with usual default stipulation.

Learned counsel for the appellants submits that appellants are innocent persons and they have been falsely implicated in this matter. During the trial appellants were on bail and they have not misused the liberty granted to them. Their jail sentence has also been suspended by the Trial Court till 10/06/2024. There are material contradictions and omissions in the statement of the witnesses. Looking to old pendency of the cases for consideration, final conclusion of this appeal would take sufficient long time. There is a strong case in favour of the appellants. Hence, the execution of the remaining part of the jail sentence of the

appellants be suspended till the final disposal of this appeal.

Per contra, learned counsel for the respondent / State opposes the application for suspension of sentence and prays for its rejection by submitting that the trial Court after due consideration of the evidence available on record, convicted the appellants. Hence, they are not entitled to grant benefit of suspension of sentence.

Heard learned counsel for the parties and perused the record. Considering all the facts and circumstances of the case, arguments advanced by learned counsel for the parties and also taking note of the fact that appellants were on bail during the trial; there is no complaint that they have misused the liberty granted to them and final conclusion of the appeal will also take sufficient long time. In view of the aforesaid facts and circumstances of the case, I deem it proper to suspend the remaining custodial sentence of the appellants.

Accordingly, I.A.No.11056/2024 is allowed and it is directed subject to deposit of fine amount, if not already deposited, and subject to furnishing personal bond by the appellants in the sum of Rs.50,000/- (Rupees Fifty Thousand Only) each with one solvent surety each in the like amount to the satisfaction of learned trial Court, the execution of remaining custodial part of the sentence of the appellants shall remain suspended, till final disposal of this appeal.

The appellants after being enlarged on bail shall mark their presence before the Registry of this Court on 14/10/2024 and on all such subsequent dates, which are fixed in this behalf.

Certified copy as per rules.