
(2022) 03 MP CK 0056

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 1810 Of 2022

Sandeep And Others

APPELLANT

Vs

C State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 22-03-2022

Acts Referred:

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

Indian Penal Code, 1860 — Section 34, 325

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(dha), 3(2)(5Ka)

Citation : (2022) 03 MP CK 0056

Hon'ble Judges : Nandita Dubey, J

Bench : Single Bench

Advocate : K.S.Rajput, Brijendra Kushwaha

Final Decision : Dismissed

Judgement

Nandita Dubey, J

The appeal seems to be arguable, hence admitted for final hearing. Also heard on I.A. No.3134/2022, which is first application under Section 389(1) of the Cr.P.C. filed on behalf of the appellants No.2 and 3 for suspension of sentence and grant of bail.

The appellants have been convicted under Section 325/34 of the IPC and Sections 3(1)(dha) & 3(2)(5-Ka) of the SC/ST Act and sentenced to undergo rigorous imprisonment for one year with fine of Rs.500/- each, rigorous imprisonment for one year with fine of Rs.500/- each and rigorous imprisonment for one year with fine of Rs.500/- each respectively, with default stipulation.

The contention of learned counsel for the appellants is that there was verbal altercation between the parties and in the incident the appellants have only used lathi due to which simple injuries have been caused to the victim. However, the MLC report as well as the statement of Dr.Aniruddha Kaushal (PW-4) shows that

there was an incised wound on the head of the victim. After X-ray, it was found that there was linear fracture of the frontal bone, which was grievous in nature.

In view of the statements of Sohanlal (PW-1), Reena Bai (PW-2) and Dr.Aniruddha Kaushal (PW-4), no ground for grant of bail is made out. Accordingly, the application (IA No.3134/2022) is dismissed.

It is pointed out by the learned counsel for the appellants that the appellants No.2 and 3 are on bail by the trial Court. Since their application for suspension of jail sentence has been rejected, the bail granted to them by the trial Court is cancelled and the appellants No.2 and 3 are hereby directed to surrender immediately before the trial Court for serving the jail sentence.

Let a copy of this order be sent to the concerned trial Court for information and necessary compliance.