

(2024) 03 MP CK 0015

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 3315 Of 2024

Sanju And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 12-03-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 374(2), 389(1)

Indian Penal Code, 1860 — Section 34, 323, 325

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

Citation : (2024) 03 MP CK 0015

Hon'ble Judges : Sunita Yadav, J

Bench : Single Bench

Advocate : Madan Mohan Tripathi, Kalpana Parmar

Judgement

Sunita Yadav, J

Let record of the trial court be called for.

Heard on I.A. No. 5043/2024, which is first application under Section 389 (1) Cr.P.C. for suspension of sentence and grant of bail to the appellants. After arguing for some time, learned counsel for the appellants orally prays for temporary suspension of sentence of the appellants since record of the trial court has yet not been received.

Prayer is considered.

This Criminal Appeal under Section 374 (2) of Cr.P.C., 1973 assails the judgment dated 13.02.2024 passed by the Special Judge SC/ST (Atrocities) Act, Datia (M.P.) in S.S.T. No. 51/2021, whereby, appellants have been convicted under Sections 323, 325/34 of IPC and Section 3(2)(5-A) of SC/ST

Act and sentenced him to undergo maximum one year imprisonment with maximum fine of Rs. 1,000/- with default stipulation.

Learned counsel for the appellants submitted that learned trial Court has wrongly convicted the appellants without appreciating the evidence properly available on record. Further submission is that there are material omissions and contradictions in the statement of the prosecution witnesses. The sentence of the appellants have already been suspended by the trial court for a limited period. Therefore, learned counsel for appellants at this stage orally prays for grant of temporary suspension of sentence and grant of bail for a limited period.

Heard learned counsel for the appellant and perused the materials available on record.

Considering the facts and circumstances of the case, without commenting on merits of the case, I.A. No. 5043/2024 is considered to the extent of temporary suspension of sentence for a period of two months. Accordingly, it is directed that appellants be released on temporary bail for a period of two months from the date of his release on their furnishing a personal bond to the tune of Rs.50,000/- (Rupees Fifty Thousand only) each with one solvent surety each of the like amount to the satisfaction of the concerned trial Court.

Temporary bail is given only for two months and the appellants shall have to surrender on completion of the period of two months before the trial Court and the trial Court shall submit surrender report in this regard before this Court on the next date of hearing.

List the case for hearing on I.A. No. 5043/2024 on 22.04.2024.

Certified copy/ e-copy as per rules/directions.