

(2024) 03 MP CK 0020

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 3214 Of 2024

Saroj Yadav And Others

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

Date of Decision : 11-03-2024

Acts Referred:

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

Citation : (2024) 03 MP CK 0020

Hon'ble Judges : Vishal Dhagat, J

Bench : Single Bench

Advocate : B.P. Yadav, Ajeet Rawat

Judgement

Vishal Dhagat, J

1. Registry is directed to call for record from trial Court.
2. Appellants have filed I.A. No. 6217/2024 an application under Section 389(1) of Code of Criminal Procedure for suspension of jail sentence.
3. Appellants have been convicted under Section 323/34 (3 counts) of the IPC and sentenced to undergo R.I. for six months (each counts) alongwith fine amount with default stipulations.
4. It is submitted by learned counsel for the appellants that the appellants are already on bail till 16.03.2024. There is no likelihood of hearing of appeal in near future. Trial Court has committed an error in convicting the appellant. Considering the fixed short term sentence period, sentence may be suspended and appellants may be released on bail.
5. Learned Government Advocate opposed the application for suspension of sentence.
6. Heard the counsel for the parties.

7. Considering the aforesaid and fixed short term of sentence, I.A. for suspension of sentence is allowed. It is hereby directed that the custodial sentence awarded to the appellants shall remain suspended during the pendency of this appeal and on deposit of fine, if already not deposited, they shall be released on bail on their furnishing a personal bond in the sum o f Rs.50,000/- (Rs. Fifty Thousand Only) each with one solvent surety bond each of the like amount to the satisfaction of the trial Court, for their appearance before the Registry of this Court on 20.05.2024 and on other dates as may be fixed in this regard till final disposal of this appeal.

8. List the appeal for admission alongwith the record.

9. C.C. as per rules.