

(2023) 10 MP CK 0105

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 13828 Of 2019

Shersingh And Others

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 31-10-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389

Indian Penal Code, 1860 — Section 34, 323

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

Citation : (2023) 10 MP CK 0105

Hon'ble Judges : Prakash Chandra Gupta, J

Bench : Single Bench

Advocate : Harish Chandra Tripathi, Bhagyashree Gupta

Judgement

1. Heard on IA No.16659/2023, which is first application filed under Section 389 of Cr.P.C., 1973 for suspension of jail sentence and grant of bail moved on behalf of the appellants - Shersingh, Rahul and Toofansingh.

2. Learned trial Court has convicted the appellants under Sections 323 and 323 read with 34 of IPC alongwith and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act and sentenced each of them to undergo RI for 01 year with fine of Rs.1,000/-, RI for 01 year with fine of Rs.1,000/- and RI for 01 year with fine of Rs.1,000/- each respectively with default stipulations vide judgement of conviction and order of sentence dated 13.10.2023 passed by the Special Judge, SC/ST Act, Neemuch in Special (SC/ST) Sessions Trial No.27/2020.

3. Learned counsel for the appellants submits that appellants are innocent and they have falsely been implicated in the matter and their jail sentence has already been suspended by the trial Court till 13.11.2023. There is no likelihood of hearing of this appeal in near future. Hence, prays that application for suspension of jail sentence be allowed.

4. Learned Government Advocate for the respondent/State, on the other hand

has opposed the application and prayed for its rejection.

5. Looking to the short term of sentence and considering other facts and circumstances of the case, this Court is of the considered view that it is a fit case for suspension of jail sentence and grant of bail to the appellants. Hence, without expressing any opinion on merits of the case, I.A. No.16659/2023 is allowed and jail sentence of the appellants shall remain suspended.

6. It is directed that subject to depositing the fine amount, if already not deposited, they shall be released on bail, on furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty five thousand only) each with one solvent surety each in the like amount to the satisfaction of Trial Court, for their appearance before the Registry of this Court firstly on 04.01.2024 and on such other dates, as may be fixed by the Registry in this regard, till final disposal of this appeal.

Let record of the trial Court be requisitioned. List for admission after receipt of record. Certified copy, as per Rules.