

(2023) 09 MP CK 0099

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 11999 Of 2023

Tayyab

APPELLANT

Vs

State Of Madhya Pradesh And Others

RESPONDENT

Date of Decision : 20-09-2023

Acts Referred:

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

Citation : (2023) 09 MP CK 0099

Hon'ble Judges : Prakash Chandra Gupta, J

Bench : Single Bench

Advocate : Anshul Shrivastava, Prashant Jain

Judgement

Prakash Chandra Gupta, J

1. Heard on the question of admission.

The appeal is admitted for final hearing.

Also, heard on I.A. No.14357/2023, which is first application for suspension of sentence and grant of bail filed under section 389(1) of the Cr.P.C. on behalf of appellant-Tayyab.

2. The trial Court has convicted the appellant vide judgment of conviction and order of sentence dated 25.08.2023 in case No.SCATR/49/2020 passed by the Special Judge, POCSO Act, Ratlam as under:-

Conviction

Sentence

Session & Act

Imprisonment

Fine

Imprisonment in lieu of fine

354 of the IPC

2 years RI

Rs.500/-

10 days add. RI

354 (a)(1)(i) of the IPC

2 years RI

Rs.500/-

10 days add. RI

7/8 of POCSO ACT

3 years

Rs.500/-

10 days addl. RI

3. Learned counsel for the appellant submits that short sentence of 3 years has been involved in this case. The appellant was on bail during the trial and he never misused the liberty so granted to him. Trial Court has itself suspended the jail sentence of the appellant till 30.09.2023 and hence prayer is made for suspension of jail sentence and grant of bail to the appellant.

4 . Learned Govt. Advocate opposes the prayer made by the appellant and prays for its rejection.

5 . I have heard learned counsel for both the parties and perused the record.

6. Looking to the facts and circumstances of the case coupled with the fact that the final hearing of this appeal is not possible in near future, without expressing any opinion on merits of the case, the application I.A. No.14357/2023 is allowed and the jail sentence of the appellant shall remain suspended.

7. It is directed that subject to depositing the fine amount, if already not deposited, appellant-Tayyab shall be released on bail, on furnishing personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) along with solvent surety in the like amount to the satisfaction of trial Court, for his appearance before the Registry of this Court firstly on 08.11.2023, and on such other dates, as may be fixed by the Registry in this regard, till final disposal of this appeal.

8. List for final hearing in due course. C.C. as per rules.