

(2012) 10 MP CK 0060
In the Madhya Pradesh High Court
Case No : M. Cr. C. No. 7502 of 2012

Tulsiram and Others

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 04-10-2012

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Penal Code, 1860 (IPC) — Section 324

Citation : (2012) 10 MP CK 0060

Hon'ble Judges : S.R. Waghmare, J

Bench : Single Bench

Advocate : V.S. Chouhan, for the Appellant; Rahul Vijaywargiya, Learned Counsel for the State, for the Respondent

Final Decision : Allowed

Judgement

Mrs. S.R. Waghmare, Judge

1. By this application u/s 482 of the Cr. P.C. the applicants have moved the application for grant of extension of time to pay the fine as directed by this Court in Criminal Appeal No. 1067/99. Counsel for the applicants has candidly admitted that the Criminal Appeal No. 1067/99 filed by the accused applicants was partly allowed to the extent that the conviction for offence u/s 324 of the IPC was upheld but the custodial sentence was reduced to the period already undergone by judgment dated 09.05.2012, however, the fine amount was raised to Rs. 5,000/- to be paid within a period of two months. Counsel urged that due to poor financial condition, the applicants could not deposit the fine amount as directed by this Court. Counsel has made a prayer that the applicants No. 1 Tulsiram and No. 2 Bhayuu alias Premnarayan are in jail and they be released upon payment of the fine and applicant No. 3 Devnarayan is on bail and he has now made arrangement for the same.

2. Counsel for the respondent/State, on the other hand, has vigorously opposed the application and prayed for dismissal of the application.

3. Considering the above, however, I find that the application needs to be allowed in the interest of justice. The prayer of the Counsel for the applicants is accepted.

4. Applicants have granted time up to 12th October, 2012 to pay the same. Upon payment of the fine and after due verification by the trial Court, the applicants No. 1 Tulsiram and No. 2 Bhayuu alias Premnarayan shall be released forthwith. Failure to do so, the applicants No. 1 & 2 shall undergo the remaining sentence without reference to this Court and the applicant No. 3 Devnarayan shall be arrested immediately and shall undergo the remaining sentence without reference to this Court.

5. The application is allowed to the extent herein above indicated. C.c. today.