

Sitaram And Others Vs State Of Madhya Pradesh

Court: Madhya Pradesh High Court

Date of Decision: Nov. 6, 2020

Acts Referred: Code Of Criminal Procedure, 1973 " Section 389(1)
Indian Penal Code, 1860 " Section 394

Hon'ble Judges: J. P. Gupta, J

Bench: Single Bench

Advocate: Sankalp Kochar, Pradeep Gupta

Final Decision: Allowed

Judgement

J. P. Gupta, J

Heard on I.A.No.9589/2020 which is Fifth application filed by the appellant / accused under section 389 (1) of Cr.P.C. for suspension of his jail

sentence awarded by the Court of 1st Additional Session Judge, Bhopal in ST No.81/09 vide its judgment dated 10.10.2018 convicting the appellant /

accused under section 394 of the IPC and sentencing him to undergo RI for 5 years along with fine of Rs.2000/-with default stipulation as mentioned

in the impugned judgment. Earlier applications were dismissed as withdrawn.

It is submitted that the appellant has completed half period of his jail sentence and disposal of the appeal will take time. During trial the appellant was

on bail. There is no likelihood of his absconding. He is sanguine to succeed in the appeal. If the sentence is not suspended, his right to file appeal will

be futile. Hence, prayer is made for suspension of his jail sentence and grant of bail.

Learned PL has opposed the application and prayed for its rejection.

Having considered the arguments advanced by learned counsel for the parties and looking to the other facts and circumstances of the case, this

application is allowed. It is ordered that subject to payment of fine amount, if not already deposited, execution of jail sentence of the appellant Sitaram

shall remain suspended during the pendency of this appeal and he be released on bail on his furnishing a personal bond for a sum of Rs.40,000/- with

one surety in the like amount to the satisfaction of the trial Court for securing his appearance before the trial court on 22.12.2020 and thereafter on all

other such subsequent dates as may be fixed by the trial court in this regard.

In case, the appellant is found absent on any date fixed by the trial court then the said court shall be free to issue and execute warrant of arrest

without referring the matter to this Court, provided the Registry of this Court is kept informed.

The appeal be listed for final hearing in due course as per listing policy.

C.C. as per rules.