

(2020) 11 MP CK 0141

Madhya Pradesh High Court (Indore Bench)

Case No: Criminal Appeal No. 643 Of 2019

Mukesh And Others

APPELLANT

Vs

State Of Madhya
Pradesh

RESPONDENT

Date of Decision: Nov. 26, 2020

Acts Referred:

- Indian Penal Code, 1860 - Section 148, 149, 302, 307, 323, 325, 341, 436

Hon'ble Judges: Shailendra Shukla, J

Bench: Single Bench

Advocate: Vivek Singh, Kirti Patwardhan

Final Decision: Allowed

Judgement

Shailendra Shukla, J

Ms. Kirti Patwardhan, Public Prosecutor for the respondent/State. Heard on I.A.No.7899/2020, which is the second application for temporary

suspension of sentence on behalf of the appellant No.9 of 2020 "Manoj S/o Bhagirath Mali.

The appellant Manoj has been convicted for offences punishable under Sections 148, 341 & 307/149 of the Indian Penal Code, 1860 and has been

sentenced to undergo 02 years RI, 01 year RI and 07 years RI with fine of Rs.500/-, Rs.500/-, Rs.1,000/-(two counts) failing which additional

sentence of 03 months RI, 01 year RI each respectively.

The present application for suspension of sentence has been filed on account of marriage of daughter of appellant Manoj S/o Bhagirath Mali. It has

been stated that marriage programmers are scheduled from 28/11/2020 to 30/11/2020. The photocopy of invitation card of the marriage along with affidavit is placed on record.

Learned counsel for the appellant also submitted that offence u/Ss.302/149, 436, 325/149 and 323/149 IPC has also been registered against the appellant, in which he has been granted suspension of sentence by the Division Bench on 24.11.2020 passed in Cr.A. No.642/2019 on the same ground i.e. marriage of his daughter.

Learned Public Prosecutor was also heard and he has verified the factum of marriage and he has stated that marriage is going to take place on 30/11/2020.

Resultantly, after hearing learned counsel for the parties, this Court is of the opinion that the present application for temporary suspension of sentence deserves to be allowed and is accordingly allowed.

It is directed that on deposit of fine amount, if not already deposited and on furnishing personal bond to the tune of Rs.50,000/- (Rupees Fifty

Thousand Only) with one surety in the like amount to the satisfaction of the Trial Court, the appellant "Manoj S/o Bhagirath Mali be

released on temporary suspension w.e.f. 26/11/2020 till 01/12/2020. He shall surrender back on 02/12/2020.

With the aforesaid, the application i.e. I.A.Nos.7899/2020 stands allowed and disposed of.

List this matter for consideration of I.A. No.6329/2019, an application for regular suspension of sentence, after two weeks.