

**(2024) 02 MP CK 0037**

**Madhya Pradesh High Court**

**Case No:** Criminal Appeal No. 2079 Of 2024

Mathura Ahirwar

APPELLANT

Vs

State Of Madhya Pradesh

RESPONDENT

**Date of Decision:** Feb. 12, 2024

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 389(1)
- Indian Penal Code, 1860 - Section 323, 324

**Hon'ble Judges:** Dinesh Kumar Paliwal, J

**Bench:** Single Bench

**Advocate:** Sunil Kumar Mishra, S. K. Gupta

**Judgement**

Dinesh Kumar Paliwal, J

Heard on I.A. No.3691/2024, an application under Section 389(1) of Cr.P.C. for suspension of sentence and grant of bail to appellant, pending the appeal.

Appellant has been convicted for commission of offence under Section 323 of IPC and has been sentenced to undergo S.I. for 01 months and fine of

Rs.500/- and under Section 324 of IPC and has been sentenced to undergo S.I. for 06 months and fine of Rs.500/- with default stipulations vide

judgment dated 31.1.2024 delivered by Sessions Judge, District Tikamgarh, in S.T. No.113/2022 (State of M.P. Vs. Mathura Ahirwar).

Learned counsel for the appellant has submitted that appellant has not committed any offence. He has been erroneously convicted by the trial Court.

It is submitted that in the course of trial appellant was on bail. He has not misused the liberty granted by way of bail during trial. Even after conviction

and passing of order of jail sentence, learned trial Court itself had suspended the jail sentence of the appellant till 1.3.2024. The appellant has fair

chance to succeed in the appeal. It is further submitted that a short sentence has been awarded by the trial Court and there is no possibility of hearing

of this appeal in near future. Therefore, if the execution of jail sentence of appellant is not suspended, the purpose of filing this appeal would become

futile. Therefore, it has been prayed that the execution of jail sentence of appellant be suspended and he be released on bail.

On the other hand, learned counsel for the respondent/State has opposed the grant of bail to the appellant.

Having considered the short nature of sentence and the fact that there is no possibility of hearing of this appeal in near future, I am inclined to suspend

the remaining jail sentence of the appellant.

Consequently, I.A. No.3691/2024 is allowed.

The execution of jail sentence of appellant- Mathura Ahirwar is hereby suspended subject to depositing the fine amount, (if not already deposited). It

is directed that the appellant be released on bail on his furnishing a personal bond to a sum of Rs.50,000/- (Rupees fifty thousand only) with one

solvent surety of the like amount to the satisfaction of the trial court with a further direction to appear before the trial Court on 8.5.2024 and also on

such other dates, as may be fixed by that Court in this regard during the pendency of this appeal.

List this case for admission after receipt of trial Court record.

Certified copy as per rules.