

(2024) 04 MP CK 0023

Madhya Pradesh High Court (Indore Bench)

Case No: Criminal Appeal No. 4279 Of 2024

Dharmendra Das

APPELLANT

Vs

State Of Madhya Pradesh And
Others

RESPONDENT

Date of Decision: April 3, 2024

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 389
- Indian Penal Code, 1860 - Section 354(A)(1)(i), 354(D)(1)(i)
- Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 - Section 3(I)(W)(ii) , 3(2)(va)

Hon'ble Judges: Prem Narayan Singh, J

Bench: Single Bench

Advocate: Jayesh Yadav, Sachin Jaiswal

Final Decision: Allowed

Judgement

Prem Narayan Singh, J

1. Heard on the question of admission.
2. The appeal appears to be arguable, hence, admitted for final hearing.
3. Heard on I.A. No.5388/2024, which is an application filed under Section 389 of the Criminal Procedure Code, 1973 for suspension of sentence on behalf of appellant.
4. The appellant has been convicted for short sentence under Section 354(A)(1)(i), 354(D)(1)(i) of IPC and Sections 3(I)(W)(ii) and 3(2)(va) of SC/ST Act and sentenced to undergo 01-01 year R.I with fine for each offence and with default stipulations.
- 5 . Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated. The jail sentence of the appellant has already been suspended by the learned trial Court itself. He further submitted that final hearing

of this appeal is likely to take sufficient long time. Under these circumstances, looking to the short sentence, learned counsel prays that the application for suspension of sentence of the appellant be allowed.

6. Learned counsel for the State opposed the prayer and prayed for dismissal of the application for suspension of sentence.

7. Looking to the facts and circumstances of the case, contention of learned counsel for the appellant, the short sentence of the appellant and the fact that the trial Court has already suspended the jail sentence of the appellant, without commenting on the merits of the case, the application is allowed.

8. It is directed that subject to depositing the fine amount, if already not deposited, the appellant shall be released on bail, on furnishing a personal bond in the sum of Rs.50,000/- (Rupees Fifty thousand only) with a solvent surety in the like amount to the satisfaction of Trial Court, for his appearance before the Registry of this Court firstly on 25.04.2024 and on such other dates, as may be fixed by the Registry in this regard, till final disposal of this appeal.

9. Accordingly, application stands allowed and disposed of.

10. Record of the Court below be called for.