

HIGH COURT OF MADHYA PRADESH, BENCH AT INDORE**CRIMINAL APPEAL NO.9192 OF 2018****(Narmada Prasad and Others vs State of Madhya Pradesh)****Indore, Dated 13.12.2018**

Mr. Ravi Arora, learned counsel for the appellants.

Ms. Bharti Lakkad, learned public prosecutor for the respondent/State.

Heard on the question of admission.

This criminal appeal has been filed under-Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 read with Section 389 of Criminal Procedure Code, 1973 was considered on the point of admission. This appeal has been filed against the judgment passed by the Special Judge in sessions trial No.13/04 dated 24.11.2018 wherein the appellants have been convicted for the offence punishable under-Sections 147, 325/149 (2 counts), 323/149(2 counts), 294 and 427 of Indian Penal Code, 1860. The details of sentence are mentioned in the chart below:

Conviction			Sentence	
Sec.	Act.	Imprisonment	Fine, if deposited, details	Imprisonment in lieu of Fine
147	IPC	6 months RI	500/-	1 month additional RI
325/149 (2 counts)	IPC	3-3 years RI	5000/- - 5000/-	6-6 month additional RI
323/149 (2 counts)	IPC	1-1 years RI	1000/- - 1000/-	2-2 month additional RI
294	IPC	-----	500/-	1 month additional RI
147	IPC	1 year RI	1000/-	2 months additional RI

Learned counsel for the appellants submits that there was a land dispute between the appellants and the complainant party and the appellants have instituted a suit bearing civil suit No.47-A/2011 and vide judgment dated 29.06.2012, the suit for permanent injunction has been

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decreed in their favour. However, there are discrepancies in the statements of appellants and the same has not dealt with by the learned trial Court. On due consideration of the grounds mentioned in the appeal as well as the submissions of learned counsel for the appellants, this appeal is admitted on the point of admission.

Let record of the trial Court be called for.

Also heard on **IA No.8593/2018** which is first application under Section 389 of Criminal Procedure Code, 1973, for suspension of jail sentence filed on behalf of appellants namely; (1) Narmada Prasad (2) Ramautar @ Ramhet (3) Bablu @ Balram (4) Vinod @ Rakesh and (5) Rajesh @ Raju.

Learned counsel for the appellants submits that the jail sentences are of short duration and the maximum sentence is three years Rigorous Imprisonment and all sentences shall run concurrently as per the directions of lower Court and other submissions are on the same line as regards the admission of appeal. The jail sentence of the appellants were suspended by the trial Court till 21.12.2018. There is no possibility of early hearing of this criminal appeal. On these grounds, learned counsel prays that execution of jail sentence of the appellants' may be suspended and they may be enlarged on bail.

Learned public prosecutor for the respondent/State opposes the application and submits that lady-Shami has received several wounds and she also suffers multiple wounds and therefore, the application filed by the appellants be dismissed.

Considering the rival contentions of the parties and

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looking to the short duration of appellants, without making any opinion on merits of the case, as there is no possibility of early hearing of this appeal before this Court, **IA No.8593/2018** is allowed and it is directed that on furnishing a personal bond in the sum of **Rs.50,000/-(Rupees Fifty Thousand) each** by the appellants with one solvent surety each in the like amount to the satisfaction of the trial Court for their regular appearance before the Registry of this Court on **03/01/2019** and, on such other subsequent dates, as may be fixed, by the Registry, in this regard for the same purpose in future, the appellants' jail sentence be suspended and they be released on bail.

Accordingly, **IA No.8593/2018** stands closed.

List this appeal along with record for final hearing in due course.

Certified copy, as per Rules.

(SHAIENDRA SHUKLA)
J U D G E

Arun/-