

Ramij Khan vs The State Of Madhya Pradesh on 7 January, 2025

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

CRR No. 5953 of 2024

(RAMIJ KHAN Vs THE STATE OF MADHYA PRADESH)

Dated : 07-01-2025

Applicant by Shri Manish Kumar Joshi - Advocate.

Respondent - State of Madhya Pradesh by Shri Surendra K

- Government Advocate appearing on behalf of Advocate General.

Heard on the question of admission.

The present criminal revision is admitted for final hearing.

Also heard on IA No.20339 of 2024 , first application under Section 438 (1) of Bhartiya Nagrik Suraksha Sanhiya, 2023 read with Section 397 / 401 of Code of Criminal Procedure, 1973 (hereafter referred to as the Code) for suspension of remaining jail sentence and grant of bail filed on behalf of applicant Ramiz Khan S/o Mohammad Khan, arising out of judgment dated 22.11.2024 passed in Criminal Appeal No.20 of 2024 by learned Additional Sessions Judge, Barnagar, District Ujjain (MP), whereby judgment and order dated 05.06.2024 passed in Criminal Case RCT No.1989 of 2015 by learned Judicial Magistrate First Class, Barnagar, District Ujjain (MP) has been affirmed. The applicant has been convicted for offence under Sections 4, 6 (1) read with Section 9 of Madhya Pradesh Govansh Vadh Pratishedh Adhiniyam, 2004 read with Section 11 (d) of the Prevention of Cruelty to Animals Act, 1960 by the trial Court and sentenced to undergo rigorous imprisonment for a term of one year with fine of Rs.5,000/- with default stipulation, which has been maintained in criminal appeal.

2 CRR-5953-2024 Learned counsel for the applicant submits that applicant has been falsely implicated in this matter. The applicant has suffered incarceration of near about one month out of one year rigorous imprisonment, which has been imposed by the learned trial Court. The Courts below have not appreciated the evidence in right perspective. He has fair chances of success in this revision. Final hearing of this revision may take time. On these miscellaneous grounds, he prays for suspension of remaining part of the jail sentence of the applicant till pendency of this revision.

Per contra, learned counsel for the respondent / State opposes the prayer and prays for its rejection.

Heard learned counsel for the parties and perused the entire record with due care.

After due consideration of the arguments advanced on behalf of the applicant, without commenting anything on merit of the case, this Court is of the view that the applicant is entitled for suspension of

remaining part of jail sentence.

Accordingly, IA No.20339 of 2024 is hereby allowed. Subject to deposit of fine amount (if not already deposited) the remaining jail sentence during the pendency of the revision is hereby suspended and it is directed that applicant be released on bail upon his furnishing personal bond in sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one solvent surety in the like amount to the satisfaction of learned trial Court for his appearance before the Registry of this Court on 11.02.2025 and on all such subsequent dates, which are fixed in this regard.

3 CRR-5953-2024 Accordingly, the said IA stands closed.

IA No.20382 of 2024 , an application for early hearing during vacation stands disposed off, as the period of winter vacation is already over.

Let the matter be listed for final hearing in due course. Certified copy, as per rules.

(BINOD KUMAR DWIVEDI) JUDGE rcg