

Avani Dixit vs The State Of Madhya Pradesh on 6 August, 2024

Author: Vishal Dhagat

Bench: Vishal Dhagat

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IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
CRA No. 5083 of 2024
(AVANI DIXIT Vs THE STATE OF MADHYA PRADESH)

Dated : 06-08-2024

Shri Bhopesht Tiwari - Advocate for the appellant.
Shri S. K. Mishra - Govt. Advocate for the State.

1. Appellant has filed I.A. No.12116/2024 an application under Section 430(1) of Bhartiya Nagrik Suraksha Sanhita, 2023 for suspension of jail sentence.

2. Appellant has been convicted under Sections 420, 467, 120-B of the Indian Penal Code and Section 6 of the M.P. Nikshani Hiton ka Sarankshan Adhiniyam 2000 and sentenced to undergo maximum R.I. for 10 years with total fine of Rs.35,000/- with default.

3. It is submitted by learned counsel for the appellant that he was cashier in the Company. Investors had made deposit. Appellant did not committed any forgery or cheating. Company rounded up its business and owners and marytors fled away. Appellant cannot be held liable for conspiracy. It is submitted by counsel for the appellant that

crime was received by him. In these circumstances, application is allowed and sentence of appellant may be suspended.

4. Learned Govt. Advocate appearing for the respondent

opposed the application for suspension of sentence and submitted that offence is serious in nature and punishment up to life imprisonment.

5. Heard the counsel for the parties.

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6. Appellant is sentenced for a period of 10 years under Section 467 IPC, however prosecution fails to point out document which is said to have been forged by appellant Avani Dixit.

7. Considering the aforesaid facts and circumstances, I.A. for suspension of sentence is allowed. It is hereby directed that the custodial sentence awarded to the appellant shall remain suspended during

the pendency of this appeal and he shall be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- (Rs. One Lakh Only) with one solvent surety bond of the like amount to the satisfaction of the trial Court, for his appearance before the Registry of this Court on 12.12.2024 and on other dates as may be fixed in this regard till final disposal of this appeal.

Certified copy as per rules.

(VISHAL DHAGAT) JUDGE AD/