

Manoj Kumar Kushwah vs The State Of Madhya Pradesh on 1 September, 2023

Author: Sanjeev S Kalgaonkar

Bench: Sanjeev S Kalgaonkar

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IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
CRR No. 3670 of 2023
(MANOJ KUMAR KUSHWAH Vs THE STATE OF MADHYA PR)

Dated : 01-09-2023

Shri Anand Purohit- Advocate for the petitioner.

Shri Prushottam Tanwar- Panel Lawyer for respondent/State

Heard on the question of admission.

Being arguable, the revision is admitted for final hearing. Heard on IA No. 15164 of 2023, which is the first application under Section 397(1) of CrPC for suspension of sentence and grant of bail filed on behalf of revision petitioner.

This criminal revision under Section 397 read with Section 401 of CrPC has been filed against the judgment and sentence dated 09.08.2023 passed by Second Additional Sessions Judge, District Bhind (M.P.) in Cr.A. No.120/2022, whereby confirming the judgment and conviction dated 10.08.2022 passed by Judicial Magistrate First Class, District Bhind (M.P.) in Criminal Case No.1473/2016 by which the revision petitioner has been convicted under Section 26 read with Section 59 of Food Safety and Standards Act, 2006 and sentenced to undergo rigorous imprisonment of three months with fine of Rs.10,000/- with default stipulation.

Learned Counsel for the revision petitioner submits that learned Appellate Court did not appreciate the evidence in proper perspective. Further, the learned Appellate Court did not properly consider the contentions raised in the appeal. The revision petitioner was on bail during trial and he did not misuse the liberty so granted to him. Fine amount has already been deposited by the petitioner. There is no likelihood of early hearing of revision in near future. On these grounds, learned Counsel prays that execution of remaining jail sentence of revision petitioner may be suspended and he may be enlarged on bail.

Per contra, learned Counsel for respondent/State opposes the application and prays for rejection of suspension of sentence and grant of bail.

Upon hearing learned Counsel for parties but without commenting upon rival contentions touching merits of the case, this Court is of the view that application deserves to be allowed. It is, accordingly,

directed that execution of remaining jail sentence of revision petitioner shall remain suspended during pendency of this revision and he shall be enlarged on bail subject to furnishing personal bond in the sum of Rs.50,000/- (Rupees fifty thousand Only) with one solvent surety in the like amount to the satisfaction of Trial Court and also subject to deposit of the fine amount (if not already deposited) for his appearance before the Registry of this Court on 07.11.2023 and on further dates as may be directed by the Registry in that regard.

Accordingly, I.A. No. 15164 of 2023 stands allowed and disposed of. Certified copy as per rules.

(SANJEEV S KALGAONKAR) JUDGE Avi