

Mukesh Gupta vs The State Of Madhya Pradesh on 1 April, 2021

Author: Vivek Rusia

Bench: Vivek Rusia

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CRR No.994/2021

HIGH COURT OF MADHYA PRADESH : BENCH AT INDORE
(SINGLE BENCH : HON. Mr. JUSTICE VIVEK RUSIA)

CRR No. 994 of 2021
(Mukesh Gupta S/o. Gorelal Gupta V/s. State of M.P.)

Indore, dated : 01.04.2021

Shri R.R. Bhatnagar, learned counsel for the applicant.

Shri Aditya Garg, learned Panel Advocate for the State
on advance copy.

Heard on I.A. No.6988/2021, an application for
suspension of jail sentence.

This criminal revision has been preferred against the
order dated 16.3.2021 passed in CRA No.234/2018 by 1st ASJ,
Rajgarh, District Rajgarh whereby the learned lower appellate Court
has affirmed the judgment passed by the trial Court dated 13.10.2018
whereby the applicant has been convicted and sentenced the under
Sections 26(1)(2) read with Section 59(i) of Food Safety and
Standard Act, 2006 Act for 4 months R.I. with fine of Rs.5000/- with
default stipulation.

Learned counsel for the applicant submits that the
applicant has good prima facie case in his favour and he hopes to
succeed in it. Record of courts below may be called and till then the
jail sentence of the applicant be suspended in the light of law laid
down by the apex Court in the case of Nemichand V/s. State of
Rajasthan : 2016 (1) FAC 561.

Learned counsel for the State has opposed the
application.

I have considered the aforesaid contention.

Having considered the contention of the learned counsel

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for the parties and on perusal of the record, this application is
allowed. It is ordered that subject to payment of fine amount, if not
already deposited, execution of jail sentence of appellant shall
remain suspended and he be released on bail on his furnishing a
personal bond for a sum of Rs.50,000- (Rupees Fifty Thousand
Only) with one surety in the like amount to the satisfaction of the
trial Court for his appearance before the Registry of this Court on

20.01.2022

and on all such subsequent dates as may be fixed in this behalf.

Record of courts below be requisitioned and list thereafter for admission.

C.C. as per rules.

(VIVEK RUSIA) JUDGE Alok/-

Date: 2021.04.01 18:50:29 +05'30'