

Pradeep vs The State Of Madhya Pradesh on 6 December, 2023

Author: Prem Narayan Singh

Bench: Prem Narayan Singh

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IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
CRR No. 5603 of 2023
(PRADEEP AND OTHERS Vs THE STATE OF MADHYA PR)

Dated : 06-12-2023

Shri Akhil Godha, learned counsel for the petitioner.

Shri Hemant Sharma, learned Government Advocate for the
respondent/State.

Heard on the question of admission.

2. The revision is admitted for final hearing.

3. Heard on IA No.18089/2023 which has been filed under Section 397 of the Code of Criminal Procedure for suspension of jail sentence and grant of bail on behalf of petitioner.

4. The petitioner has been convicted under Section 3(zx)(zz) and 2(2)(i)

(ii) read with Section 59(1) of Food Safety and Standards Act, 2006 and sentenced to undergo 6 months R.I. with fine of Rs.10,000/- with default stipulation.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the alleged offence. He further submitted that final hearing of this revision is likely to take sufficient long time. It is further submitted that in the present case short sentence of six months rigorous imprisonment has been awarded to the applicant. Under these circumstances, looking to the short sentence, learned counsel prays that the application for suspension of sentence of the applicant be allowed.

6. Learned Government Advocate appearing for respondent - State, on the other hand, has opposed the application and prays for its rejection.

7. Considering the facts and circumstances of the case, the arguments advanced by learned counsel for the parties and also looking to the fact that the matter is arguable and its final disposal will take sufficiently long time, this Court is of the view that the application for suspension of jail sentence filed on behalf of the applicant deserves to be allowed.

8. Accordingly, I.A.No. 18089/2023 is allowed and it is directed that subject to depositing the fine amount and on 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 the trial Court, the execution of jail sentence imposed against the applicant shall remain suspended, till the final disposal of this revision for his appearance before the Registry of this Court on 24.01.2024 and thereafter on all such subsequent dates, as may be fixed by the Registry in this regard.

10. Let the record of the Courts below be called for.

11. List the matter for final hearing in due course.

(PREM NARAYAN SINGH) JUDGE Vindesh