

Balkishan vs The State Of Madhya Pradesh on 25 August, 2023

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Bench: Prem Narayan Singh

HIGH COURT OF MADHYA PRADESH AT INDORE CRIMINAL REVISION NO.3888 OF 2023 (Balkishan vs The State of Madhya Pradesh) Indore, Dated 25.08.2023 Mr. Vinayak Balchandani, counsel for the applicant. Mr. Gaurav Rawat, counsel for the non-applicant/State. _____ Heard on the point of admission.

The revision is admitted for hearing.

Records of the Courts below be called for. Also heard on IA No.13126 of 2023 which is an application for ignoring the defects pointed out by the Office.

On due consideration, the application is allowed and the defects pointed out by the Office is hereby ignored.

Accordingly, IA No.13126 of 2023 stands disposed of. Heard on I.A.No.13125/2023 which is an application under Section 397 of Code of Criminal Procedure, 1973, for suspension of jail sentence and grant of bail to the applicant - Balkishan Kotwani S/o Shri Mangaram Kotwani The applicant has been convicted for commission of offence under Section 59 of Food Safety and Standards Act, 2006 and has been sentenced to undergo Rigorous Imprisonment for 03 months and fine of Rs.15,000/- with further default stipulation by the HIGH COURT OF MADHYA PRADESH AT INDORE CRIMINAL REVISION NO.3888 OF 2023 (Balkishan vs The State of Madhya Pradesh) learned First Additional Sessions Judge, Shajapur (MP), vide judgment dated 21.08.2023 passed in Criminal Appeal No.28 of 2022.

Counsel for the applicant submits that there is an illegality in the orders passed by the trial Court as well as appellate Court. He further submits that applicant is a patient of cardiac disorder and the applicant is in jail since one month and the minimum sentence awarded to him is of three months and fine of Rs.15,000/- has already been deposited by him. Counsel has further submitted that he has fair chances to succeed in this revision. There is no possibility of coming of this revision for early hearing in near future. Therefore, if the jail sentence is not suspended, the purpose of filing of this revision would become futile.

On the other hand, counsel for the non-applicant/State has opposed the prayer for grant of bail to the applicant and submitted that prima facie no case is made out for suspension of sentence to the applicant.

Looking to the short sentence of applicant and the fact that the revision would take considerably

long time to conclude and HIGH COURT OF MADHYA PRADESH AT INDORE CRIMINAL REVISION NO.3888 OF 2023 (Balkishan vs The State of Madhya Pradesh) other facts and circumstance of the case, I deem it proper to suspend the remaining jail sentence of applicant with a condition that he will regularly attend the Court below and deposit the fine amount, if not already deposited.

Consequently, I.A.No.13125/2023 is allowed. The execution of jail sentence of applicant is hereby suspended subject to depositing the fine amount, (if not already deposited). It is directed that the applicant shall be released on bail on his furnishing a personal bond to a sum of Rs.50,000/- (Rupees Fifty thousand) with one solvent surety of the like amount to the satisfaction of the trial Court with a further direction to appear before the trial Court on 23.11.2023 and also on such other dates, as may be fixed by that Court in this regard during the pendency of this revision. Accordingly, IA No.13125 of 2023 stands disposed of.

List the revision for final hearing in due course. Certified copy as per Rules.

(PREM NARAYAN SINGH) JUDGE Arun/-