

Tamraj Kachawa vs The State Of Madhya Pradesh on 10 January, 2022

Author: Virender Singh

Bench: Virender Singh

THE HIGH COURT OF MADHYA PRADESH (Tamraj Kachawa vs. State of Madhya Pradesh)
Jabalpur, Dated: 10.1.2022.

Shri B.K. Shukla, counsel for the petitioner. Shri Nagendra Singh Solanki, Panel Lawyer for the State. Heard on admission.

Revision appears to be arguable, therefore, admitted for hearing. Also heard on I.A.No.21757/2021 which is an application under Section 389 (1) of CrPC for suspension of sentence of the petitioner.

2. By way of present revision under Section 397/401 of CrPC, the petitioner has challenged the judgment and order dated 26.11.2021 passed in Cr.A.No.5/2017 by the Addl. Sessions Judge, Ashta, District Sehore whereby the judgment dated 21.12.2016 passed in Criminal Case No.4/2016 by JMFC, Ashta, District Sehore, has been upheld. Vide said judgment, the petitioner has been convicted and sentenced as under :

Conviction Sentence 26(2)(i) r/w 59(i) of Food Safety R.I. for 6 months with fine of and Standard Act, 2006 & Rule Rs.1000/-, in default of payment 2011 of fine additional R.I. for 1 month

3. It is argued by the counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. He is permanent resident of the District Sehore. There is no possibility of his absconding. He is ready to furnish adequate surety and to abide by all the terms and conditions as may be imposed by the Court, therefore, custodial sentence of the petitioner be suspended.

4. Per contra, learned Panel Lawyer has opposed the prayer.

5. I have heard the submission of learned counsel for the parties.

6. On due consideration of the evidence available on record and other facts and circumstances of the case, I deem it appropriate to suspend the sentence of the petitioner, therefore, without discussing the merits in detail, I.A.No.21757/2021 is allowed.

7. It is directed that on deposit of entire fine amount, if not already deposited and on furnishing personal bond to the tune of Rs.30,000/- (Thirty thousand rupees) with one surety in the like amount to the satisfaction of the Trial Court for appearance of the petitioner before the trial Court on 18.04.2022 and on subsequent dates as may be fixed by the trial Court, the execution of substantial jail sentence imposed on the petitioner namely Tamraj Kachawa shall remain

suspended, till final disposal of this revision.

8. In the event of non-appearance of the petitioner, the trial Court shall be at liberty to take coercive steps against him to secure his presence under the intimation of this Court.

9. Let the revision be listed for final hearing in due course.

(Virender Singh) Judge rv.

Date: 2022.01.12 17:26:01 +05'30'