

Bijju @ Jaihind Singh Thakur vs The State Of Madhya Pradesh on 12 September, 2014

Criminal Appeal No.2135/2014

12

.09.2014:

Shri R.S. Patel, Advocate for the appellant.

Shri D.K. Parouha, Panel Lawyer for the respondent-

State.

Heard on I.A. No.15505/2014, an application for suspension of remaining jail sentence and grant of bail to appellant.

The appellant has been convicted under Sections 452 and 354 of IPC, Section 3 (1) (xi) of SC/ST (Prevention of Atrocities) Act, and Section 7/8 of Protection of Children From Sexual Offences Act, 2012 and sentenced as mentioned in the impugned judgment.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the matter. It is submitted by the learned counsel for the appellant that the prosecution has failed to prove the age of the prosecutrix and there is no evidence that the present act is committed as the prosecutrix belongs to SC/ST caste. There are so many contradictions and omissions in the deposition of witnesses. The appellant was on bail during trial. He never misused the liberty grant to him. He also submits that there was there is no likelihood of coming up of this appeal for final hearing in near future.

Learned Panel Lawyer for the State opposed the prayer for suspension of sentence and grant of bail.

On due consideration of the facts and circumstances of the case and the nature of allegation, this application is allowed. Execution of remaining jail sentence of the appellant□Bhajju @ Jaihind Singh Thakur is suspended. He is directed to be enlarged on bail on his furnishing a personal bond in the sum of Rs.25,000/□ (Rupees Twenty Five Thousand Only) and a surety bond in the like amount to the satisfaction of trial Court for his appearance before the Registry of this Court on 7th May, 2015 and on such other dates as may be fixed by the Registry in this regard.

It is made clear that the sentence of fine amount is not suspended.

List this case for final hearing in due course. C.C. as per rules.

(SUBHASH KAKADE)

JUDGE taj/□Misc. Criminal Case No.13779/2014

12.09.2014:

S h r i R . K . S a m a i y a , A d v o c a t e f o r t h e a p p l i c a n t .
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Heard on admission.

Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

This is the Third bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail. Earlier bail applications filed by the applicant was dismissed vide orders dated 02.04.2014 and 21.07.2014.

The applicant is in custody in connection with Crime No.4/2014, registered at P o l i c e S t a t i o n D i g o d a , D i s t r i c t Tikamgarh, for the offences punishable under Sections 304□B and 498□A read with Section 34 of IPC and Section 3/4 of Dowry Prohibition Act.

Learned counsel for the applicant submits that applicant has been falsely i m p l i c a t e d i n t h e c a s e . I t i s further submitted by the learned counsel for the applicant that all the three important witnesses namely Munnalal Ahirwar (PW□), Kunwar Bai Ahirwar (PW□), father and mother of the deceased Geeta and Tulsidas (PW□) relative of the deceased have turned hostile and stated that due to abdominal pain, the deceased committed suicide. The applicant is a young person and is in custody since 05.01.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State has opposed the application for grant of bail.

Looking to the facts and circumstances of the case, without expressing any view on merits of the case and considering the averments made by learned counsel for the parties, the application under Section 439 of Cr.P.C. may be accepted. Consequently, it is hereby allowed.

It is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.35,000/□ (Rupees Thirty Five Thousand only) with one solvent surety in the like amount t o t h e s a t i s f a c t i o n o f t h e C o m m i t t a l Court/trial Court to appear before the concerned Court on

the dates given by the concerned Court during trial.

C.C. as per rules.

(Subhash Kakade) Judge taj.

Criminal Appeal No.2135/2014 .09.2014:

S h r i R . S . P a t e l , A d v o c a t e f o r t h e a p p e l l a n t .
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Heard on I.A. No.15505/2014, an application for suspension of remaining jail sentence and grant of bail to appellant.

The appellant has been convicted under Sections 452 and 354 of IPC, Section 3 (1) (xi) of SC/ST (Prevention of Atrocities) Act, and Section 7/8 of Protection of Children From Sexual Offences Act, 2012 and sentenced as mentioned in the impugned judgment.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the matter. It is submitted by the learned counsel for the appellant that the prosecution has failed to prove the age of the prosecutrix and there is no evidence that the present act is committed as the prosecutrix belongs to SC/ST caste. There are so many contradictions and omissions in the deposition of witnesses. The appellant was on bail during trial. He never misused the liberty grant to him. He also submits that there was there is no likelihood of coming up of this appeal for final hearing in near future.

Learned Panel Lawyer for the State opposed the prayer for suspension of sentence and grant of bail.

On due consideration of the facts and circumstances of the case and the nature of allegation, this application is allowed. Execution of remaining jail sentence of the appellant□Bhajju @ Jaihind Singh Thakur is suspended. He is directed to be enlarged on bail on his furnishing a personal bond in the sum of Rs.25,000/□(Rupees Twenty Five Thousand Only) and a surety bond in the like amount to the satisfaction of trial Court for his appearance before the Registry of this Court on 7th May, 2015 and on such other dates as may be fixed by the Registry in this regard.

It is made clear that the sentence of fine amount is not suspended.

List this case for final hearing in due course. C.C. as per rules.

(SUBHASH KAKADE)
Criminal Revision No.1882/2014

JUDGE taj/□
.09.2014:

Shri M.K. Tripathi, Advocate for the applicants.
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Heard on admission.

Admit.

Record of the Courts below be called for.
Also heard on I.A. No.17715/2014, an application for
suspension of sentence and grant of bail to applicant.

The applicants have been convicted under Section 25 (1) (A) of Arms Act and
sentenced to undergo rigorous imprisonment for 3 years and fine of
Rs.1,000/□ with default stipulation.

Learned counsel for the applicants submits that the applicants have been falsely
implicated in the matter. The applicants were on bail during trial and never misused the
liberty granted to them. He further submits that there is no
likelihood of coming up of this revision for final hearing in near future.

Learned Panel Lawyer for the State opposed the prayer for bail.

On due consideration of the facts and circumstances
of the case and the nature of allegation, this application is allowed. Execution of jail sentence
of the applicants is suspended. They are directed to be enlarged on bail on furnishing
a personal bond in the sum of Rs.25,000/□ (Rupees Twenty Five Thousand Only)
and a surety bond each in the like amount to the satisfaction of trial Court for their appearance
before the Registry of this Court on 7th
May, 2015 and on such other dates as may be fixed by the Registry in this regard.

It is made clear that the sentence of fine is not suspended.

List this case for final hearing in due course. C.C. as per rules.

(SUBHASH KAKADE)
12.09.2014:

JUDGE taj/□Misc. Criminal Case No.13784/2014

M s . P o o j a G a j r a , A d v o c a t e f o r t h e a p p l i c a n t .
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Heard on admission.

Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody in connection with Crime No.94/2014, registered at Police Station Grameen Navegaon, District Balaghat, for the offences punishable under Sections 363, 366 and 376 of IPC.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that during trial the statement of prosecutrix Rekha (PW□1), Sukhlal (PW□2), Pushpa Bai (PW□3), father and mother of the prosecutrix and other villagers namely Smt. Saraswati bai (PW□4) and Smt. Fulwanta Bai (PW□5) have been record and these witnesses were turned hostile. The applicant is a young person and is in custody since 24.05.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State has opposed the application for grant of bail.

Looking to the facts and circumstances of the case, without expressing any view on merits of the case and considering the averments made by learned counsel for the parties, the application under Section 439 of Cr.P.C. may be accepted. Consequently, it is hereby allowed.

It is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs . 2 5 , 0 0 0 / □ (Rupees Twenty Five Thousand only) with one solvent surety in the like amount to the satisfaction of the Committal Court/trial Court to appear before the concerned Court on

the dates given by the concerned Court during trial.

C.C. as per rules.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13795/2014 12.09.2014:

None for the applicant.

Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Perused the record.

Admit.

Case diary is not available.

It is positively called for on the next date of hearing. List the case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13801/2014 12.09.2014:

Shri Sanjay Sharma, Advocate for the applicant. Shri Ramesh Kushwaha, Panel Lawyer for the respondent□State.

Heard on admission.

Admit.

Case diary is not available.

It is positively called for on the next date of hearing. List the case in the next week.

(Subhash Kakade) Judge taj.

Criminal Revision No.1683/2014 12.09.2014:

None for the applicant.

This revision has been filed by the applicant under Section 397/401 of Cr.P.C. being aggrieved by the order dated 17.07.2014, passed in Case No.71/2014, by the learned Family Court, Katni, whereby the application filed by

the applicant for rejection of application under Section 125, Cr.P.C. has been dismissed.

Since no one appears on behalf of the applicant, it seems that the applicant has lost interest in prosecuting the case.

Accordingly, this revision is hereby dismissed for want of prosecution. However, the applicant is extended a liberty to file appropriate application for recalling of this order on admissible ground.

(Subhash Kakade) Judge taj.

Criminal Revision No.288/2014 12.09.2014:

Smt. Alka Singh, Advocate for the petitioners. Shri D.K. Parouha, Panel Lawyer for the State. This revision under Section 397/401 of Cr.P.C. has been filed against the order dated 30.12.2013, passed by learned First Additional Sessions Judge, District Sidhi, In Sessions Trial No.277/10. framing the charges against the petitioners for the offences punishable under Sections 294, 506□ 2, 323, 325, 324 and 326/34 of IPC.

Brief facts of the case are that on 15.03.2010, at about 07:00 am a free fight had taken place regarding some construction over the land in dispute and in the said fight it is alleged that the petitioners assaulted the complainant and his father by kick, fist and Tangi. After filing of the charge□ sheet case was committed to the Court of Sessions at Sidhi. After committal proceeding, by the impugned order the aforesaid charges have been framed against the petitioners against which this revision has been filed.

Smt. Alka Singh, learned counsel appearing for the petitioners submits that the learned trial Court has committed error in framing charge against the petitioners as no injury was caused to the complainant by sharp edged weapon, only swelling and slight fracture due to falling was there on the person of the complainant. The FIR and the statement of complainant is full of contradictions and exaggeration just to make out the gravity in the matter. A counter case has also been registered against the complainant. On the aforesaid grounds, he prayed that the impugned order be quashed and petitioners be discharged.

Learned Panel Lawyer appearing for the respondent□
State supported the impugned order and prays for dismissal of this revision.

After perusing the documents filed with the revision, particularly the charge□
sheet prima facie well founded case is made out against the petitioners. At
this stage it is not required to go into the pros and cons of the
prosecution evidence as required to discuss at the stage of passing of
judgment by the trial Court.

In the above facts and circumstances, there is no need
to sift and weigh or appreciate the prosecution evidence as
well as defence available to the petitioners and come to the
conclusion that no prima facie case is made out nor could be exercised to stifle a
legitimate prosecution. It is a settled legal proposition that in a case
where there is sufficient evidence against the accused which may establish
the charge against him/her, the proceeding cannot be quashed -
S. Khushboo v Kanniammal (2010) 5 SCC 600.

Accordingly, I do not find any illegality or perversity in the impugned order dated
3 0 . 1 2 . 2 0 1 3 w a r r a n t i n g
interference by way of this Revision petition against framing
of charge. The Revision is dismissed summarily.

(Subhash Kakade) Judge taj.

Criminal Revision No.1590/2014 12.09.2014:

S h r i K . K . G a u t a m , A d v o c a t e f o r t h e a p p l i c a n t .
Shri K.S. Patel, Panel Lawyer for the respondent□State. Case diary is not available.

It be positively made available on the next date of
hearing because it is the allegation of the applicant that the statement of Smt.
S a v i t a D e v i w a s n o t r e c o r d e d b y t h e
Investigating Officer under the provisions of Section 161 of Cr.P.C.

List the case after two weeks along with case diary.

(Subhash Kakade) Judge taj.

Criminal Revision No.1641/2014 12.09.2014:

M s . J a y a L a x m i A i y a r , A d v o c a t e f o r t h e a p p l i c a n t s .
Shri K.S. Patel, Panel Lawyer for the respondent□State. Case diary is not available.

It be positively made available on the next date of hearing.

List the case under the same head in the next week.

(Subhash Kakade) Judge taj.

Criminal Revision No.1665/2014 .09.2014:

None for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent no.5□State.

List the case after four weeks under the same head as per convenience of the Registry.

(SUBHASH KAKADE)

JUDGE taj/□

Criminal Revision No.1671/2014 .09.2014:

Shri S.K. Dixit, Advocate for the applicant.
Shri K.S. Patel, Panel Lawyer for the respondent no.1□State.

As prayed by the learned counsel for the applicant, the case is adjourned.

List the case in the next week under the same head.

(SUBHASH KAKADE)

JUDGE taj/□

Criminal Revision No.2093/2011 12.09.2014:

Shri Satyam Agrawal, Advocate for the applicants.
Applicants Manu Bai and Vandna are personally present before this Court. They are duly identified by their counsel. Their presence be marked.

Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Heard on I.A. Nos.14651/2014 and 14652/2014, which are the applications for condonation of non□appearance of the applicant no.2 on 07.10.2013 and applicant no.1 02.04.2014.

For the reasons stated in the application, the same is allowed. Non□ appearance of the applicant no.2 on 07.10.2013

and applicant no.1 on 02.04.2014 is condoned.

Also heard on I.A. No.8291/2012, which is an application seeking exemption from personal appearance of the applicants in this Court.

Looking to the averments made in the application, the same is allowed. Applicants are now directed to appear before the CJM, Sehore on 06.05.2015 and on such other dates as may be given to them in this behalf during pendency of the revision. The applicants shall submit in this Court the certified copy of the order sheet of first appearance before the trial Court within a week from their first appearance.

This case has already been admitted. Record of the Courts below be called for. List this case for final hearing in due course. Cc as per rules.

(Subhash Kakade) Judge taj.

Criminal Revision No.2496/2013 12.09.2014:

Shri A.K. Tiwari, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent State.

Learned counsel for the appellant prays for a fixed date to produce the applicant Badaru @ Badri in this Court.

Prayer allowed.

List the matter on 06.10.2014 for appearance of aforesaid applicant.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.4126/2014 .09.2014:

Shri Shashank Trivedi, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent State.

Case diary is available.

As prayed by the learned counsel for the applicant, the case is adjourned.

List the case after two weeks under the same head.
Case diary be also made available on the said date.

(SUBHASH KAKADE) JUDGE taj/□
Misc. Criminal Case No.7418/2014 .09.2014:

Shri Shashank Trivedi, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Learned counsel for the applicant prays for and is granted a week's time
to comply earlier order dated 05.09.2014.

List the case on 19.09.2014.

(SUBHASH KAKADE) JUDGE taj/□
Misc. Criminal Case No.11584/2014 .09.2014:

Shri Pushpendra Dubey, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

List this case along with record of Misc. Criminal Case No.13899/2014 in the next
week because case diary is produced in the said case.

(SUBHASH KAKADE) JUDGE taj/□
Misc. Criminal Case No.12253/2014 .09.2014:

Shri Varun Parsai, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Shri Pratyush Tripathi, Advocate for the objector. List this case along with
Misc. Criminal Case No.11584/2014.

(SUBHASH KAKADE) JUDGE taj/□
Criminal Appeal No.2574/2013 11.09.2014:

Smt. Alka Singh, Advocate for the appellant.
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

As prayed by the learned counsel for the appellant, the case is adjourned.

List the case after two months under the same head.

(Subhash Kakade) Judge taj.

Criminal Appeal No.2236/2014 11.09.2014:

S h r i K . S . R a j p u t , A d v o c a t e f o r t h e a p p e l l a n t .
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

S h r i P r a d e e p S i n g h , A d v o c a t e f o r t h e o b j e c t o r .
As prayed by the learned counsel for the appellant, the case is adjourned.

List the case after three months under the same head.

(Subhash Kakade) Judge taj.

Criminal Appeal No.2934/2013 12.09.2014:

S h r i K . S . R a j p u t , A d v o c a t e f o r t h e a p p e l l a n t s .
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Heard on I.A. No.17547/2014, which is an application seeking exemption from personal appearance of the appellants in this Court.

Looking to the averments made in the application, the same is allowed. Appellants are now directed to appear before the CJM, Khandwa on 06.05.2014 and on such other dates as may be given to them in this behalf during pendency of the appeal. The appellants shall submit in this Court the certified copy of the order□sheet of first appearance before the trial Court within a week from their first appearance.

This case has already been admitted. Record is available.

List this case for final hearing in due course. Cc as per rules.

(Subhash Kakade) Judge taj.

Criminal Appeal No.2934/2014 .09.2014:

Shri K.S. Rajput, Advocate for the applicants. Shr D.K. Parouha, Panel Lawyer for the respondent□State.

This case has already been admitted. Record is available.

List this case along with Criminal Revision Nos.1362/2014 and 1372/2014 and Misc. Criminal Case No.12472/2014 for final hearing in due course.

(SUBHASH KAKADE)

JUDGE taj/□

Criminal Revision No.2342/2013 12.09.2014:

Shri U.S. Rawat, Advocate for the applicant. Shri M. Amjad, Advocate for the CBI□respondent. Case diary is not available.

It be positively made available on the next date of hearing.

List the case under the same head in the next week.

(Subhash Kakade)

Judge taj.

Criminal Revision No.1333/2014 .09.2014:

Shri Ajay Shukla, Advocate for the applicants. Shr D.K. Parouha, Panel Lawyer for the respondent□State.

This case has already been admitted. Record is available.

List this case along with Criminal Revision Nos.1362/2014 and 1372/2014 and Misc. Criminal Case No.12472/2014 for final hearing in due course.

(SUBHASH KAKADE)

JUDGE taj/□

Criminal Revision No.1372/2014 .09.2014:

S h r i H a m i d K h a n , A d v o c a t e f o r t h e a p p l i c a n t s .
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Shri B.R. Koshta, Advocate for the objector. Heard on the question of admission. Admit.

Record is available.

List this case along with Criminal Revision Nos.1333/2014 and 1362/2014 and Misc. Criminal Case No.12472/2014 for final hearing in due course.

(SUBHASH KAKADE) JUDGE taj/□
Criminal Revision No.1362/2014 .09.2014:

None for the applicant.

This case has already been admitted. Record is available.

List this case for final hearing in due course along with Criminal Revision Nos.1333/2014 and 1372/2014 and Misc. Criminal Case No.12472/2014.

(SUBHASH KAKADE) JUDGE taj/□
Misc. Criminal Case No.12472/2014 .09.2014:

Shri B.R. Koshta, Advocate for the applicant. List this case along with Criminal Revision Nos.1333/2014, 1362/2014 and 1372/2014.

(SUBHASH KAKADE) JUDGE taj/□
Criminal Appeal No.2314/2014 .09.2014:

Shri Rajmani Singraul, Advocate for the appellant.
Heard on the question of admission.
Appeal seems to be arguable, hence, admitted for final hearing.

Shri K.S. Patel, Panel Lawyer accepts notice on behalf of the respondent□
State, hence, no notice is required.

Record of the trial Court be called for.
Also heard on I.A. No.17458/2014, an application for suspension of remaining jail sentence and grant of bail to appellant.

The appellant has been convicted under Sections 307 of IPC and Section 27 (1) of the Arms Act and sentenced to undergo rigorous imprisonment of 5 years and fine of Rs.2,000/□ and 3 years and fine of Rs.1,000/□respectively, with default stipulation.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the matter. It is submitted by the learned counsel for the appellant that the appellant has served out more than 3½ years in custody. He also submits that there was there is no likelihood of coming up of this appeal for final hearing in near future.

Learned Panel Lawyer for the State opposed the prayer for suspension of sentence and grant of bail.

On due consideration of the facts and circumstances of the case and the nature of allegation, this application is allowed. Execution of remaining jail sentence of the appellant □ Pradeep Lodhi is suspended. He is directed to be enlarged on bail on his furnishing a personal bond in the sum of Rs.40,000/□ (Rupees Forty Thousand Only) and a surety bond in the like amount to the satisfaction of trial Court for his appearance before the Registry of this Court on 15th May, 2015 and on such other dates as may be fixed by the Registry in this regard.

It is made clear that the sentence of fine amount is not suspended.

List this case along with Criminal Appeal No.2300/2014 for final hearing in due course.

C.C. as per rules.

(SUBHASH KAKADE) JUDGE taj/□
Criminal Appeal No.2300/2014 .09.2014:

Shri Rajmani Singraul, Advocate for the appellant. List this case along with Criminal Appeal No.2314/2014 for final hearing in due course.

(SUBHASH KAKADE) JUDGE taj/□
Criminal Appeal No.2303/2014 .09.2014:

Shri Y.K. Gupta, Advocate for the appellant. Heard on the question of admission. Appeal seems to be arguable, hence, admitted for final hearing.

Shri K.S. Patel, Panel Lawyer accepts notice on behalf of the respondent□ State, hence, no notice is required.

Record of the trial Court be called for. Also heard on I.A. No.16602/2014, an application for suspension of remaining jail sentence and grant of bail to appellant.

The appellant has been convicted under Section 392 of IPC and sentenced to undergo rigorous imprisonment of 5 years and fine of Rs.1,000/□ with default stipulation.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the matter. It is submitted by the learned counsel for the appellant that there is nothing on record to show that he is guilty of the aforementioned offence as no independent witness has supported the version of prosecution case. The appellant was on bail during trial and he never misused the liberty grant to him. He also submits that there is no likelihood of coming up of this appeal for final hearing in near future.

Learned Panel Lawyer for the State opposed the prayer for suspension of sentence and grant of bail.

On due consideration of the facts and circumstances of the case and the nature of allegation, this application is allowed. Execution of remaining jail sentence of the appellant□ Ramkrishna Chadhar is suspended. He is directed to be enlarged on bail on his furnishing a personal bond in the sum of Rs.25,000/□ (Rupees Twenty Five Thousand Only) and a surety bond in the like amount to the satisfaction of trial Court for his appearance before the Registry of this Court on 15th May, 2015 and on such other dates as may be fixed by the Registry in this regard.

It is made clear that the sentence of fine amount is not suspended.

List this case for final hearing in due course. C.C. as per rules.

(SUBHASH KAKADE)
Criminal Revision No.1726/2011 .09.2014:

JUDGE taj/□

Shri Nitin Jain, Advocate for the applicant. Heard on admission.

Shri K.S. Patel, Panel Lawyer accepts notice on behalf of the respondent no.2 □
State, hence, no notice is required.

Issue show cause notice against admission to the respondent no.1 on payment of process fee within three days both by ordinary as well as registered A/D post.

Notice be made returnable within four weeks. Also heard on I.A. No.17769/2014, a repeat application for suspension of sentence and grant of bail to applicant.

The applicant has been convicted under Section 6 (2) of Dowry Prohibition Act, 1961 and sentenced to undergo rigorous imprisonment for 6 months and fine of Rs.5,000/□ with default stipulation.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter. It is further submitted by the learned counsel for the applicant that the applicant was granted bail with a direction to appear before the registry on each and every dates but on account of incorrect notice of the date he was not appeared before the Registry. The applicant was produced after issuance of arrest warrant on 14.08.2014 and since then he is in jail. He further submits that there is no likelihood of coming up of this revision for final hearing in near future.

Learned Panel Lawyer for the State opposed the prayer for bail.

On due consideration of the facts and circumstances of the case and the nature of allegation, this application is allowed. Execution of jail sentence of the applicant □ Laxman Kolare is suspended. He is directed to be enlarged on bail on furnishing a personal bond in the sum of Rs. 15,000/□ (Rupees Fifteen Thousand Only) and a surety bond in the like amount to the satisfaction of trial Court for his appearance before the Registry of this Court on 5th May, 2015 and on such other dates as may be fixed by the Registry in this regard.

It is made clear that the sentence of fine is not suspended.

C.C. as per rules.

(SUBHASH KAKADE)

JUDGE taj/□

Criminal Appeal No.1772/2014 11.09.2014:

Shri R.P. Tiwari, Government Advocate for the appellant□State.

This appeal under Section 378 (1) of Code of Criminal Procedure has been filed by the State against the judgment of acquittal dated 05.09.2013 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Act, 1989, District Seoni, in Criminal Case No.27/2012, whereby the respondent has been acquitted of the charges punishable under Sections 457, 354 and 506, IPC and Section 3 (1) (xi) of SC/ST (Prevention of Atrocities) Act, 1989.

The case of the prosecution was that, on 15/16.03.2012 at 2 o'clock in the night prosecutrix Kumar Rajani with her younger brother Rawan Sarkar lived in the house of Suresh Golhani. The prosecutrix went to toilet behind the house and when she was returning in room accused came there and caught the hand of the prosecutrix, slapped her and taken her in the house. Her younger brother saw the incident. She told the incident to her mother. Thereafter a report was lodged against the respondent.

It is submitted by the learned Government Advocate for the appellant□State that the learned trial Judge without appreciating the oral and documentary evidence has acquitted the respondent, which is illegal and contrary to law. It is further submitted that the trial Court has erred in disbelieving the statement of complainant and other witnesses.

It is true that the charges punishable under Sections 457, 354 and 506 of I.P.C. is one which is very easy to make and is very difficult to rebut.

The learned trial Court after appreciation of the statement of witnesses adduced by the prosecution found that there are major contradictions, omissions and exaggerations in their statement. In this circumstances, he has given benefit of doubt by acquitting the respondent.

The learned Government Advocate for the appellant□State could not point out any illegality or perversity in the impugned judgment. It is a well□settled principle of law that unless the judgment of acquittal is palpably wrong and grossly unreasonable, interference is not called for.

The appeal is, therefore, dismissed summarily.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.1836/2014 11.09.2014:

Shri Sunil Mishra, Advocate for the applicants. Shri R.P. Tiwari, Government Advocate for the respondent State.

As prayed by the learned counsel for the applicant, the case is adjourned.

List the case after three weeks under the same head.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.1904/2014 11.09.2014:

Shri A.D. Mishra, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent State.

Learned counsel for the applicant is directed to file the order sheet of the learned trial Court to apprise this Court the latest position of the trial as the Challan has been filed on 22.02.2013.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.2361/2014 11.09.2014:

Shri Sourabh Sharma, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent State.

As prayed by the learned counsel for the applicant, the case is adjourned.

List the case in the next week under the same head.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.2095/2014 11.09.2014:

Shri Sourabh Sharma, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent State.

As prayed by the learned counsel for the applicant, the case is adjourned.

List the case in the next week under the same head.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.2094/2014 11.09.2014:

Shri Sourabh Sharma, Advocate for the applicants. Shri R.P. Tiwari, Government Advocate for the respondent State.

As prayed by the learned counsel for the applicant, the case is adjourned.

List the case in the next week under the same head.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.2094/2014 11.09.2014:

Shri Sourabh Sharma, Advocate for the applicants. Shri R.P. Tiwari, Government Advocate for the respondent State.

As prayed by the learned counsel for the applicant, the case is adjourned.

List the case in the next week under the same head.

(Subhash Kakade) Judge taj.

Criminal Appeal No.2097/2014 11.09.2014:

Shri Narendranath Tripathi, Advocate for the appellant.

Shri R.P. Tiwari, Government Advocate for the respondent State.

Heard on I.A. No.15292/2014, an application for exemption from filing the certified copy of the impugned order dated 20.11.2006.

For the reasons stated in the application, the same is allowed. Appellant is exempted from filing the certified copy of the order dated 20.11.2006.

It is submitted by the learned counsel for the appellant that the record is tagged with the Criminal Appeal No.1814/2006.

List this case along with record of Criminal Appeal No.1814/2006 in the next week.

(Subhash Kakade) Judge taj.

Criminal Revision No.185/2014 11.09.2014:

None for the applicant.

Shri Ramesh Kushwaha, Panel Lawyer for the respondent□State.

This revision has been filed by the applicant under Section 397/401 of Cr.P.C. being aggrieved by the order dated 27.12.2013, passed in Special Case No.16/2010, by the learned Special Judge, NDPS Act, Katni whereby the application filed by the applicant under Section 311 of Cr.P.C. has been dismissed.

Since no one appears on behalf of the applicant, it seems that with the passage of time, the applicant has lost interest in prosecuting the case.

Accordingly, this revision is hereby dismissed for want of prosecution However, the applicant is extended a liberty to file appropriate application for recalling of this order on admissible ground.

(Subhash Kakade) Judge taj.

Criminal Revision No.1331/2014 11.09.2014:

None for the applicant.

Shri D.K. Parouha, Panel Lawyer for the respondent□State.

This revision has been filed by the applicant under Section 397/401 of Cr.P.C. being aggrieved by the order dated 18.06.2014, passed in Sessions Trial No.78/2010, by the learned Sessions Judge, Bhopal, whereby the application filed by the respondent under Section 311 of Cr.P.C. has been allowed.

Since no one appears on behalf of the applicant, it seems that with the passage of time, the applicant has lost interest in prosecuting the case.

Accordingly, this revision is hereby dismissed for want of prosecution However, the applicant is extended a liberty to file appropriate application for recalling of this order on admissible ground.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.1233/2014 11.09.2014:

None for the applicant.

Shri D.K. Parouha, Panel Lawyer for the respondent no.1 State.

This application has been filed by the applicant under Section 482 of Cr.P.C. being aggrieved by the registration of the case and taking cognizance of the offence under Sections 307, 307/34 of IPC against the applicant by the order dated 09.10.2007.

Since no one appears on behalf of the applicant, it seems that with the passage of time, the applicant has lost interest in prosecuting the case.

Accordingly, this application under Section 482, Cr.P.C. is hereby dismissed for want of prosecution. However, the applicant is extended a liberty to file appropriate application for recalling of this order on admissible ground.

(Subhash Kakade) Judge taj.

Criminal Revision No.1432/2014 11.09.2014:

None for the applicant.

Shri R.P. Tiwari, Government Advocate for the respondent State.

Record of the Courts below be called for. List the case on 17.10.2014.

(Subhash Kakade) Judge taj.

Criminal Revision No.1309/2014 11.09.2014:

Shri Deepak Pendharkar, Advocate for the applicants.
Shri D.K. Parouha, Panel Lawyer for the respondent State.

Case diary is not available.

It be positively made available on the next date of hearing.

List the case on 15.09.2014.

(Subhash Kakade) Judge taj.

Criminal Revision No.1224/2014 11.09.2014:

Shri Pushpendra Kumar Verma, Advocate for the applicant.

Heard on the question of admission as well as on I.A. No.12187/2014, an application for stay of order dated 27.05.2014 and also further proceeding, pending in the Court of Judicial Magistrate First Class, Kusami, District Sidhi.

Shri D.K. Parouha, Panel Lawyer accepts notice on behalf of the respondent no.1 State, hence, no notice is required.

Issue show cause notice against admission as well as on the said I.A. to the respondents no.2 to 6 on payment of process fee within three days both by ordinary as well as registered A/D post.

Notice be made returnable within four weeks. List this case in the week commencing 13th October, 2014.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.1229/2014 11.09.2014:

Ms. Pooja Gajra, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent State.

Case diary is not available.

It be positively made available on the next date of hearing along with the report of the concerning Probationary Officer regarding character of the juvenile Sharad @ DJ.

List the case in the next week. Typed copy of this order be supplied to the office of Advocate General during the course of the day for information and compliance.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.1155/2014 11.09.2014:

Shri V.K. Pandey, Advocate for the applicant. Heard on I.A. No.6428/2014, which is an application for amendment in the cause title.

For the reasons stated in the application, the same is allowed.

Necessary amendment be carried out within a week. This case has wrongly been listed along with Misc. Criminal Case No.168/2014. It be delinked with the present case and list separately in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.155/2014 11.09.2014:

Shri R. P. Mishra, Advocate for the applicant.
Shri Ramesh Kushwaha, Advocate for the respondent□State.

List this case along with Misc. Criminal Case No.168/2014 after three weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.168/2014 11.09.2014:

Shri R. P. Mishra, Advocate for the applicant.
Shri Ramesh Kushwaha, Advocate for the respondent□State.

Learned counsel for the applicant is directed to file the order□sheet of the learned trial Court to apprise this Court the latest position of the trial as the order framing charge has been passed on 30.09.2013.

This case has wrongly been listed along with Misc. Criminal Case No.1155/2014. It be delinked with the present case and list separately along with Misc. Criminal Case No.155/2014 after three weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.168/2014 11.09.2014:

Shri R. P. Mishra, Advocate for the applicant.
Shri Ramesh Kushwaha, Advocate for the respondent□State.

Learned counsel for the applicant is directed to file the order□sheet of the learned trial Court to apprise this Court the latest position of the trial as the order framing charge has been passed on 30.09.2013.

This case has wrongly been listed along with Misc. Criminal Case No.1155/2014. It be delinked with the present case and list separately.

List this case after three weeks.

(Subhash Kakade) Judge taj.

Criminal Revision No.50/2014 11.09.2014:

Shri Sourabh Bhushan Shrivastava, Advocate for the applicants.

Shri Ramesh Kushwaha, Panel Lawyer for the respondent State.

As prayed by the learned counsel for the applicant, the case is adjourned.

List the case in the next week under the same head.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.70/2014 11.09.2014:

S h r i K . S . J h a , A d v o c a t e f o r t h e a p p e l l a n t .
Shri Ramesh Kushwaha, Advocate for the respondent no.9 State.

T h i s i s a n a p p l i c a t i o n f o r r e s t o r a t i o n o f M i s c . C r i m i n a l
C a s e N o . 1 0 4 5 3 / 2 0 1 0 , d i s m i s s e d f o r w a n t o f p r o s e c u t i o n o n
08.10.2013, by Hon'ble Shri Justice N.K. Gupta.

Office to verify and list the case before the appropriate Bench.

(Subhash Kakade) Judge taj.

11.09.2014:

Shri Sourabh Bhushan Shrivastava, Advocate for the appellant.

Heard on the question of admission. Issue show cause notice against admission
to the respondent on payment of process fee within a week both by
ordinary as well as registered A/D post.

N o t i c e b e m a d e r e t u r n a b l e w i t h i n f o u r w e e k s .
List the case in the week commencing 27.10.2014.

(Subhash Kakade) Judge taj.

11.09.2014:

Shri Ashish Tiwari, Advocate for the appellant.
Shri Ramesh Kushwaha, Advocate for the respondent□State.

Learned counsel for the appellant prays for withdrawal of I.A. No.15004/2014, an application for suspension of remaining jail sentence and grant of bail with liberty to file afresh after six months.

Accordingly, the I.A. No.15004/2014 stands dismissed as withdrawn with the liberty as aforesaid.

(Subhash Kakade) Judge taj.

Criminal Revision No.207/2014 11.09.2014:

Shri Anurag Shivhare, Advocate for the applicant. Shri Ramesh Kushwaha, Panel Lawyer for the respondent□State.

Case diary is available.

As prayed by the learned counsel for the applicant, the case is adjourned.

List the case after three weeks under the same head.
Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Criminal Revision No.224/2014 11.09.2014:

Shri Rakesh Dwivedi, Advocate for the applicant. Shri Ramesh Kushwaha, Panel Lawyer for the respondent□State.

Case diary is available.

Learned counsel for the applicant is directed to file the order□sheet of the learned trial Court to apprise this Court the latest position of the trial as the order framing charge has been passed on 04.12.2013.

List this case after three weeks.

(Subhash Kakade) Judge taj.

Criminal Revision No.328/2014 11.09.2014:

Shri R.S. Patel, Advocate for the applicant. Shri Ramesh Kushwaha, Panel Lawyer for the respondent□State.

Case diary is available.

Learned counsel for the applicant is directed to file the order□ sheet of the learned trial Court to apprise this Court the latest position of the trial as the order framing charge has been passed on 28.01.2014.

List this case after three weeks.

(Subhash Kakade) Judge taj.

Criminal Revision No.470/2014 11.09.2014:

S h r i A . L . A h i r w a r , A d v o c a t e f o r t h e a p p l i c a n t .
Shri Ramesh Kushwaha, Advocate for the respondent no.1□State.

Learned counsel for the applicant prays for withdrawal of this revision.

Accordingly, the revision stands dismissed as withdrawn.

(Subhash Kakade) Judge taj.

Criminal Revision No.197/2007 10.09.2014:

None for the parties.

This revision under Section 397/401 of Cr.P.C. has been filed against the order dated 05.12.2006, passed by the learned Family Court, Sagar, in Case No.100/2006, granting Rs.900/□ per month maintenance to the respondent□wife.

This revision is of the year 2007. Since none is present on behalf of the applicant, it seems that with the passage of time, the applicant has lost interest in prosecuting the case. Hence, this application deserves to be dismissed in default.

Memo of revision, order under challenge perused with the records.

Learned Family Court rightly held, after appreciation of evidence that the respondent is legally wedded wife of applicant. The Learned Family Court rightly found that the applicant deserted his

w i f e w i t h o u t a n y r e a s o n a b l e c a u s e .
The criminal proceedings is pending against the applicant on the report lodged by the respondent for the offence punishable under Section 498A of IPC, which is "just ground" for wife to live separately.

It is the obligation of the husband to maintain wife, father to maintain children and son to maintain parents. It will, therefore, be for him to show that he has no sufficient means to discharge his obligation: Rajathi vs. C. Ganesan (1999) 6 SCC 326. Means does not signify only visible means, such as real property or definite employment:

Basanta vs. Sarat 1982 CrLJ 485. An able-bodied person has sufficient means: Kandaswami vs. Angammal AIR 1960 Mad 348: 1960 CrLJ 1098.

In this legal position learned Family Court rightly held that the applicant also having sufficient means of income to pay maintenance and, therefore, rightly awarded the maintenance amount.

Hence, on the merits also, this revision under Section 397/401 of Cr.P.C. deserves to be dismissed.

A c c o r d i n g l y , t h e r e v i s i o n s t a n d s d i s m i s s e d .
A copy of this order be sent to the Court below with record.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13792/2012 10.09.2014:

S h r i S h a s h a n k U p a d h y a y a , A d v o c a t e f o r t h e a p p l i c a n t .
Shri D.K. Parouha, Panel Lawyer for the respondentState.

Case diary is not available.

It be positively made available on the next date of hearing.

List the case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.14617/2012 10.09.2014:

Shri Lalit Pandey, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondentState.

Case diary is not available.

It be positively made available on the next date of hearing.

List the case after three weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.14509/2012 10.09.2014:

S h r i S i d d h a r t h S e t h , A d v o c a t e f o r t h e a p p l i c a n t .
As prayed by the learned counsel for the applicant, the case is adjourned.

List the case after two weeks under the same head.

(Subhash Kakade) Judge taj.

Criminal Revision No.1121/2007 10.09.2014:

None for the parties.

This revision under Section 397/401 of Cr.P.C. has been filed against the order dated 30.05.2007, passed by the learned Principal Judge, Family Court, Bhopal, in MJC No.62/2005, granting Rs.1,200/□ per month maintenance to the respondent no.2□daughter.

This revision is of the year 2007. Since none is present on behalf of the applicant, it seems that with the passage of time, the applicant has lost interest in prosecuting the case. Hence, this application deserves to be dismissed in default.

Memo of revision, order under challenge perused with the records.

Learned Family Court rightly held, after appreciation of evidence that the respondents are legally wedded wife and daughter of applicant. The Learned Family Court rightly found that the applicant deserted his wife along with daughter without any reasonable cause.

It is the obligation of the husband to maintain wife, father to maintain children and son to maintain parents. It will, therefore, be for him to show that he has no sufficient means to discharge his obligation: Rajathi vs. C. Ganesan (1999) 6 SCC 326. Means does not signify only visible means, such as real property or definite employment:

Basanta vs. Sarat 1982 CrLJ 485. An able-bodied person has sufficient means: Kandaswami vs. Angammal AIR 1960 Mad 348: 1960 CrLJ 1098.

In this legal position learned Family Court rightly held that the applicant also having sufficient means of income to pay maintenance and, therefore, rightly awarded the maintenance amount.

Hence, on the merits also, this revision under Section 397/401 of Cr.P.C. deserves to be dismissed.

Accordingly, the revision stands dismissed. A copy of this order be sent to the Court below with record.

(Subhash Kakade) Judge taj.

Criminal Revision No.1146/2007 10.09.2014:

None for the parties.

This revision under Section 397/401 of Cr.P.C. has been filed against the order dated 27.04.2007, passed by the learned Principal Judge, Family Court, Bhopal, in MJC No.634/2005, granting Rs.1,500/- per month maintenance to the respondent son.

This revision is of the year 2007. Since none is present on behalf of the applicant, it seems that with the passage of time, the applicant has lost interest in prosecuting the case. Hence, this application deserves to be dismissed in default.

Memo of revision, order under challenge perused with the records.

Learned Family Court rightly held, after appreciation of evidence that the respondent Udit Prakash Baraiya is the son born out of the wedlock of the applicant and Mamta Baraiya. The Learned Family Court rightly found that though Mamta Baraiya is having means for maintenance but looking to the growing age of Udit it is also duty of the applicant to provide maintenance @ 1,500/- per month.

It is the obligation of the husband to maintain wife, father to maintain children and son to maintain parents. It will, therefore, be for him to show that he has no sufficient means to discharge his obligation: Rajathi vs. C. Ganesan (1999) 6 SCC 326.

In this legal position learned Family Court rightly held that the applicant also having sufficient means of income to pay maintenance and, therefore, rightly awarded the maintenance amount.

Hence, on the merits also, this revision under Section 397/401 of Cr.P.C. deserves to be dismissed.

Accordingly, the revision stands dismissed. A copy of this order be sent to the Court below with record.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.14617/2012 10.09.2014:

Shri Lalit Pandey, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Case diary is not available.

It be positively made available on the next date of hearing.

List the case after three weeks.

(Subhash Kakade) Judge taj.

Criminal Revision No.239/2007 10.09.2014:

None for the parties.

Since no one appears on behalf of the applicant, it seems that with the passage of time, the applicant has lost interest in prosecuting the case.

Accordingly, this revision under Section 397/401, Cr.P.C. is hereby dismissed for want of prosecution. However, the applicant is extended a liberty to file appropriate application for recalling of this order on admissible ground.

(Subhash Kakade) Judge taj.

Criminal Revision No.458/2007 10.09.2014:

None for the applicant.

Shri D.K. Parouha, Panel Lawyer for the respondent no.1□State.

Office is directed to issue bailable warrant of arrest in the sum of Rs.5,000/□ against the applicant to secure his presence before this Court on the next date of hearing.

Case be listed on 12.11.2014 for appearance of the aforesaid applicant.

(Subhash Kakade) Judge taj.

Criminal Appeal No.2456/2014 .09.2014:

Ms. Dipti Shrivastava, Advocate for the appellant. Heard on the question of admission. Appeal seems to be arguable, hence, admitted for final hearing.

Shri Ramesh Kushwaha, Panel Lawyer accepts notice on behalf of the respondent□State, hence, no notice is required.

Record of the trial Court be called for. Also heard on I.A. No.17433/2014, an application for suspension of awarded jail sentence and grant of bail to appellant.

The appellant has been convicted under Sections 332, 294 and 506 Part□ II of IPC and Section 3 (1□o) of SC/ST (Prevention of Atrocities) Act and sentenced to undergo rigorous imprisonment of 1 year and fine of Rs.1,000/□ 1 month and fine of Rs.500/□, 2 years and fine of Rs.1,000/□ and 1 years and fine of Rs.1,000/□ respectively with default stipulation.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the matter. It is submitted by the learned counsel for the appellant that there are contradictions, omissions and big improvement in the testimonies of the prosecution witnesses. The appellant was on bail during trial and he never misused the liberty grant to him. His sentence have temporarily been suspended up to 04.10.2014. He also submits that there was there is no likelihood of coming up of this appeal for final hearing in near future.

Learned Panel Lawyer for the State opposed the prayer for suspension of sentence and grant of bail.

On due consideration of the facts and circumstances of the case and the nature of allegation, this application is allowed. Execution of awarded jail sentence of the appellants is suspended. He is directed to be enlarged on bail on his

furnishing a personal bond in the sum of Rs.10,000/□ (Rupees Ten Thousand Only) and a surety bond in the like amount to the satisfaction of trial Court for his appearance before the Registry of this Court on 20th April, 2015 and on such other dates as may be fixed by the registry in this regard.

It is made clear that the sentence of fine amount is not suspended.

List this case for final hearing in due course. C.C. as per rules.

(SUBHASH KAKADE) JUDGE taj/□Misc. Criminal Case No.13412/2014
10.09.2014:

Shri Sanjeev Kumar Singh, Advocate for the applicant.
Shri K.S. Patel, Panel Lawyer for the respondent □State.
Learned counsel for the applicant is directed to file the order □
sheet of the learned trial Court to apprise this Court the latest position of the
trial as the challan was filed on 28.12.2013.

List this in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13617/2014 10.09.2014:

Shri Sushil Kumar Tiwari, Advocate for the applicant.
Shri K.S. Patel, Panel Lawyer for the respondent □State. Case diary is not available.

It be positively made available on the next date of hearing.

List the case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13618/2014 10.09.2014:

Shri Sushil Kumar Tiwari, Advocate for the applicant.
Shri K.S. Patel, Panel Lawyer for the respondent □State. Case diary is not available.

It be positively made available on the next date of hearing.

List the case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13679/2014 10.09.2014:

S h r i J . S . P a r i h a r , A d v o c a t e f o r t h e a p p l i c a n t .
Shri K.S. Patel, Panel Lawyer for the respondent State. Case diary is not available.

It be positively made available on the next date of hearing.

List the case in the next week.

(Subhash Kakade) Judge taj.

10.09.2014:

Shri Amit Jain, Advocate for the appellant. Shri Ramesh Kushwaha, Panel Lawyer for the respondent State.

It is apparent from the perusal of the record that co-accused Bhagwandas and Virendra were separately tried by the Sessions Court because at the time of their trial the present appellant was absconded.

In such premises office is directed to verify and list the case along with the appeals of the co-accused Bhagwandas and Virendra, in Crime No.120/2009, Police Station GRP, Bina. The details may also be called from the Sessions Judge, Sagar for convenience.

List the case with the aforesaid details in the week commencing 6th October, 2014 for consideration of I.A. No.11814/2014.

(Subhash Kakade) Judge taj.

10.09.2014:

Shri Anoop Kumar Shrivastava, Advocate for the appellant.

Shri Ramesh Kushwaha, Panel Lawyer for the respondent State.

As prayed by the learned counsel for the appellant, the case is adjourned.

List the case after two months under the same head.

(Subhash Kakade) Judge taj.

Criminal Appeal No.1728/2014 10.09.

2014:

Ms. Manjula Verma, Advocate for the appellant. Shri Ramesh Kushwaha, Panel Lawyer for the respondent State.

H e a r d o n t h e q u e s t i o n o f a d m i s s i o n .
Appeal seems to be arguable, hence, admitted for final hearing.

Shri Ramesh Kushwaha, Panel Lawyer accepts notice on behalf of the respondent State, hence, no notice is required.

Also heard on I.A. No.12423/2014, an application for suspension of sentence and grant of bail on behalf of the appellant.

The appellant has been convicted under Section 307 of IPC and Section 27 (1) and 25 (1 B) of Arms Act and sentenced to undergo rigorous imprisonment of 5 years and fine of Rs.500/- , 3 years and fine of Rs.500/- and 1 year and fine of Rs.500/- respectively with default stipulation.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the matter. The appellant was on bail during trial and has never misused the liberty granted to him. He also submits that there is no likelihood of coming up of this appeal for final hearing in near future.

Learned Panel Lawyer for the State opposes the prayer for suspension of sentence and grant of bail.

On due consideration of the facts and circumstances of the case and the nature of allegation, this application is allowed. Execution of jail sentence of the appellant Surendra @ Gudda is suspended. He is directed to be enlarged on bail on furnishing a personal bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) and a surety bond in the like amount to the satisfaction of trial Court for his appearance before the Registry of this Court on 9th April, 2015 and on such other dates as may be fixed by the Registry in this regard.

It is made clear that the sentence of fine is not suspended.

List this case for final hearing in due course. C.C. as per rules.

(SUBHASH KAKADE)

JUDGE taj/-

Criminal Appeal No.2487/2014 10.09.2014:

Shri Paritosh Trivedi, Advocate for the appellant.
Heard on the question of admission.
Appeal seems to be arguable, hence, admitted for final hearing.

Shri Ramesh Kushwaha, Panel Lawyer accepts notice on behalf of the respondent□State, hence, no notice is required.

Let the record of the trial Court be called for. List thereafter for consideration of I.A. No.17707/2014, an application for suspension of sentence and grant of bail in the week commencing 13.10.2014.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10000/2014 10.09.2014:

Shri Mahesh Prasad Shukla, Advocate for the applicant.

Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Heard on the question of admission. Admit.

Case diary is available.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody in connection with Crime No.390/2013, registered at Police Station Morba, District Singrouli, for the offence punishable under Section 392 of IPC.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that the applicant is the only bread earner of his family and is in custody since 05.02.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicants on bail.

On the other hand, learned Panel Lawyer for the State has vehemently opposed the application for grant of bail and submitted that the trial is going on and will be concluded within short time,

hence, prays for dismissal of this application.

Detailed examination of evidence and elaborate documentation of merits is not desirable and should be avoided while passing orders on bail applications. What is necessary is the satisfaction about prima facie case and not an exhaustive exploration of merits in the order itself. It is the duty of the parties as well as the Court to see that at the stage of deciding bail application, the Court is not dragged into minutest details and in an arena of conjectures of hypotheses.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of the case the evidence collected by the prosecution there is indication prima facie that the applicant is alleged to have committed a crime. Looking to the nature and gravity of the accusation, this is not a fit case for grant bail to the applicant. Consequently, his application under Section 439 of the Cr.P.C. is hereby rejected.

(Subhash Kakade) Judge taj.

Criminal Appeal No.1304/2007 10.09.2014:

S h r i V . K . G a r g , A d v o c a t e f o r t h e a p p e l l a n t .
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Learned counsel for the appellant prays for a fixed date to produce the appellant□
Javed in this Court.

Prayer allowed.

List the matter on 16.10.2014 for appearance of aforesaid appellant.

(Subhash Kakade) Judge taj.

Criminal Revision No.1198/2009 10.09.2014:

Shri Himanshu Chourasiya, Advocate for the applicant.

Shri D.K. Parouha, Panel Lawyer for the respondent□State.

This revision has already been admitted for final hearing.

Record received.

List the case for final hearing in due course along with Criminal Revision No.1200/2009.

(Subhash Kakade) Judge taj.

Criminal Revision No.1200/2009 10.09.2014:

None for the applicant.

Shri D.K. Parouha, Panel Lawyer for the respondent□State.

List the case along with Criminal Revision No.1198/2009.

(Subhash Kakade) Judge taj.

Criminal Revision No.2168/2011 10.09.2014:

None for the applicant.

Shri Pratap Narayan Mishra, Advocate for the respondent.

In compliance of earlier order bailable warrant issued against the applicant is awaited.

List the case on 30.09.2014.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10301/2014 10.09.2014:

Shri Neeraj Tiwari, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Case diary is not available.

It be positively made available on the next date of hearing.

List the case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13752/2014 10.09.2014:

Shri R.N. Mishra, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Case diary is available.

As prayed by the learned counsel for the applicant, the case is adjourned.

List the case after two weeks under the same head.
Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13889/2014 10.09.2014:

Shri Himanshu Chourasiya, Advocate for the applicant.

Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Case diary is not available.

It be positively made available on the next date of hearing.

List the case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9530/2014 10.09.2014:

Shri Sanjay Gupta, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Case diary is available.

Learned counsel for the applicant is directed to file the statements of prosecutrix and other witnesses, who were admittedly examined before the trial Court.

List this case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10228/2014 10.09.2014:

Shri Varun Parsai, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Case diary is available.

As prayed by the learned counsel for the applicant, the case is adjourned.

List the case in the next week under the same head.
Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10983/2014 10.09.2014:

Shri K.S. Rajput, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Case diary is available.

Learned counsel for the applicant prays for and is granted two weeks' time to file driving licence and other related documents.

List the case after two weeks under the same head.
Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Criminal Appeal No.1094/2014 09.09.

2014:

Shri Vijay Nayak, Advocate for the appellant.
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

The appeal has already been admitted. Heard on I.A. No.13943/2014, a second repeat application for suspension of remaining jail sentence and grant of bail on behalf of the appellant.

The appellant has been convicted under Section 307 of IPC and sentenced to undergo rigorous imprisonment for 5 years and fine of Rs.3,000/□with default stipulation.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the matter. It is further submitted by the learned counsel for the appellant that the injuries

received by the complainant is simple in nature. The FIR is antedated. The appellant was on bail during trial and is in jail since 28.03.2014. He also submits that there is no likelihood of coming up of this appeal for final hearing in near future.

Learned Panel Lawyer for the State vehemently opposes the prayer for suspension of sentence and grant of bail.

This is a repeat bail application for suspension of remaining jail sentence and grant of bail on behalf of the appellant, his earlier application has been dismissed on 08.05.2014. Ever since then, there is no change in the circumstances to take a different view. Still with a view to satisfy the judicial mind, once again I have gone through the record of the trial. After considering the same, no case is made out for grant of bail to the appellant. The application being devoid of merits is hereby dismissed.

Accordingly, the I.A. No.13943/2014 stands rejected.

(SUBHASH KAKADE)

JUDGE taj/-

Criminal Appeal No.2128/2014 09.09.2014:

Shri Brijesh Mishra, Advocate for the appellant. Shri K.S. Patel, Panel Lawyer for the respondent □ State. Let the record of the trial Court be called for. List thereafter for consideration of I.A. No.15433/2014, an application for suspension of sentence and grant of bail in the week commencing 13.10.2014.

(Subhash Kakade) Judge taj.

Criminal Appeal No.2297/2014 .09.2014:

Shri Narendra Kumar, Advocate for the appellants. Shri K.S. Patel, Panel Lawyer for the respondent □ State. In compliance of order dated 27.08.2014, learned counsel for the appellants filed the order □ sheet. As per the order □ sheet dated 03.09.2014 of 10th Additional Sessions Judge, Bhopal it is apparent that on that date the appellants were taken into custody and sent to the Central Jail for serving their sentence.

Heard on I.A. No.2297/2014, an application for suspension of sentence and grant of bail to appellants.

The appellants have been convicted under Section 332/34 of IPC and sentenced to undergo rigorous imprisonment of 6 months and fine of Rs.500/□ with default stipulation.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the matter. It is submitted by the learned counsel for the appellants that the appellants were on bail during trial. Their sentence have temporarily been suspended up to 25.08.2014 and after surrendering before the trial Court, prays for suspension of their remaining jail sentence and grant of bail. He also submits that there was there is no likelihood of coming up of this appeal for final hearing in near future.

Learned Panel Lawyer for the State opposed the prayer for suspension of sentence and grant of bail.

On due consideration of the facts and circumstances of the case and the nature of allegation, this application is allowed. Execution of jail sentence of the appellants is suspended. They are directed to be enlarged on bail on their furnishing a personal bond in the sum of Rs.20,000/□ (Rupees Twenty Thousand Only) and a surety bond each in the like amount to the satisfaction of trial Court for their appearance before the Registry of this Court on 15th March, 2015 and on such other dates as may be fixed by the registry in this regard.

It is made clear that the sentence of fine amount is not suspended.

List this case for final hearing in due course. C.C. today.

(SUBHASH KAKADE)

JUDGE taj/□

Criminal Revision No.590/2006 09.09.2014:

Shri Lalji Kushwaha, Advocate for the applicant. None for the respondent.

Heard finally.

This revision under Section 397/401 of Cr.P.C. has been filed against the order dated 07.01.2006, passed by the learned Third Additional Sessions Judge (Fast Track), Sidhi, in Criminal Revision No.205/2005, reversing the order dated

21.09.2005, passed in Criminal Case No.151/2003, by the learned Judicial Magistrate First Class, Deosar and awarded maintenance to the tune of Rs.500/- per month to the respondent.

Shri Kushwaha, learned counsel for the applicant submits that the learned Revision Court ignored the admission of the respondent wife in respect of adultery. It is further submitted that the learned Revisional Court has completely failed to appreciate the evidence available on record to observe that the respondent wife has admitted in her evidence that she herself has left the house of her husband.

Having heard the learned counsel for the applicant and after perusing the entire record I am of the view that the learned Revisional Court rightly held, after appreciation of evidence that the respondent is legally wedded wife of applicant. The Learned Revisional Court rightly found that the applicant failed to prove charges of adultery against the respondent, which is "just ground" for wife to live separately. It is the obligation of the husband to maintain wife, father to maintain children and son to maintain parents. It will, therefore, be for him to show that he has no sufficient means to discharge his obligation: Rajathi vs. C. Ganesan (1999) 6 SCC 326. Means does not signify only visible means, such as real property or definite employment:

Basanta vs. Sarat 1982 CrLJ 485. An able-bodied person has sufficient means: Kandaswami vs. Angammal AIR 1960 Mad 348: 1960 CrLJ 1098.

In this legal position learned Revisional Court rightly held that the applicant also having sufficient means of income to pay maintenance and, therefore, rightly awarded the maintenance amount.

Hence, on the merits this revision under Section 397/401 of Cr.P.C. deserves to be dismissed.

Accordingly, the revision stands dismissed. A copy of this order be sent to the Court below with record.

(Subhash Kakade) Judge taj.

Criminal Revision No.1294/2008 09.09.2014:

None for the parties.

Let the record of the learned Family Court be called for.

List (Subhash Kakade) Judge taj.

Criminal Revision No.1094/2008 09.09.2014:

None for the parties.

Let the record of the Family Court be called for. List the case on 20.10.2014.

(Subhash Kakade) Judge taj.

Criminal Revision No.1302/2005 09.09.2014:

None for the parties.

Since no one is present on behalf of the applicant, let SPC be issued to the applicant for a date to be fixed by the office in the week commencing 24th November, 2014.

List the case in the week commencing 24th November, 2014.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13648/2014 09.09.2014:

Shri K.K. Gautam, Advocate for the applicant. Shri Ramesh Kushwaha, Panel Lawyer for the respondent□State.

Heard on admission.

Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody in connection with Crime No.180/2014, registered at Police Station Ram Nagar, District Satna, for the offences punishable under Sections 34 (2) of Excise Act.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that the investigation has already been completed and charge □

sheet has been filed. The applicant is a young person of 18 years and is in custody since 15.06.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State has opposed the application for grant of bail.

Looking to the facts and circumstances of the case, without expressing any view on merits of the case and considering the averments made by learned counsel for the parties, the application under Section 439 of Cr.P.C. may be accepted. Consequently, it is hereby allowed.

It is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs. 25,000 / - (Rupees Twenty Five Thousand only) with one solvent surety in the like amount to the satisfaction of the Committal Court/trial Court to appear before the concerned Court on the dates given by the concerned Court during trial.

C.C. as per rules.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13660/2014 09.09.2014:

None for the applicant.

Shri Ramesh Kushwaha, Panel Lawyer for the respondent State.

Case diary is also not available. As none appears on behalf of the applicant, list the case after two weeks under the same head.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13685/2014 09.09.2014:

Shri Dilip Kumar Shrivastava, Advocate for the applicant.

Shri Ramesh Kushwaha, Panel Lawyer for the respondent State.

Case diary is not available.

It be positively made available on the next date of hearing.

List the case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13687/2014 09.09.2014:

None for the applicant.

Shri Ramesh Kushwaha, Panel Lawyer for the respondent□State.

Case diary is available.

As none appears on behalf of the applicant, list the case after two weeks under the same head.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13698/2014 09.09.2014:

Shri D.N. Shukla, Advocate for the applicants. Shri Ramesh Kushwaha, Panel Lawyer for the respondent□State.

Case diary is not available.

It be positively made available on the next date of hearing.

List the case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13710/2014 09.09.2014:

Shri Anurag Prajapati, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent□State.

Case diary is available.

As prayed by the learned counsel for the applicant, the case is adjourned.

List the case after two weeks under the same head.
Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13729/2014 09.09.2014:

Shri Surendra Patel, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Case diary is not available.

It be positively made available on the next date of hearing.

List the case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13740/2014 09.09.2014:

S h r i P . S . C h o u h a n , A d v o c a t e f o r t h e a p p l i c a n t .
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Heard on I.A. No.17983/2014, an application for taking documents on record.

F o r t h e r e a s o n m e n t i o n e d i n t h e a p p l i c a t i o n , t h e s a m e
is allowed. The documents is taken on record.

Also heard on admission.

Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody in connection with Crime No.245/2014, registered at Police Station Chidholi, District Betul, for the offences punishable under Sections 363, 366 and 376 of IPC and Section 3/4 of Protection of Children From Sexual Offences Act, 2012.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that there is a delay of 5 days in lodging the FIR. The prosecutrix is a consenting party as there is a love affair between the applicant and the prosecutrix. The applicant is a young person of 18 years and is in custody since 19.08.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State has opposed the application for grant of bail.

Looking to the facts and circumstances of the case, without expressing any view on merits of the case and considering the averments made by learned counsel for the parties, the application under Section 439 of Cr.P.C. may be accepted. Consequently, it is hereby allowed.

It is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.25,000/□ (Rupees Twenty Five Thousand only) with one solvent surety in the like amount to the satisfaction of the Committal Court/trial Court to appear before the concerned Court on the dates given by the concerned Court during trial.

C.C. as per rules.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13754/2014 09.09.2014:

Shri B.J. Chourasiya, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent□State.

Case diary is available.

As prayed by the learned counsel for the applicant, the case is adjourned.

List in the on 17.09.2014 under the same head.
Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12874/2014 09.09.2014:

Shri Aseem Dixit, Advocate for the applicants. Shri R.P. Tiwari, Government Advocate for the respondent□State.

Heard on the question of admission. Admit.

Case diary is available.

This is the repeat bail application filed by the applicants under Section 439 of the Cr.P.C. for grant of bail. Earlier the bail application filed by the applicants, which was rejected vide order dated 30.07.2014.

The applicant is in custody in connection with Crime No.135/2014, registered at Police Station Bandari, District Sagar, for the offences punishable under Section 306/34.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that the applicants have not ill-treated the deceased and also not harassed her. The applicants are ladies and are in custody since 10.06.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State vehemently opposes the application and submits that as per the dying declaration of the deceased ☐ Rajkumari, hence, prays for dismissal of this application.

Detailed examination of evidence and elaborate documentation of merits is not desirable and should be avoided while passing orders on bail applications. What is necessary is the satisfaction about prima facie case and not an exhaustive exploration of merits in the order itself. It is the duty of the parties as well as the Court to see that at the stage of deciding bail application, the Court is not dragged into minutest details and in an arena of conjectures of hypotheses.

This is a repeat bail application of the applicants, their earlier application has been dismissed on 30.07.2014. Ever since then, there is no change in the circumstances to take a different view. Still with a view to satisfy the judicial mind, once again I have gone through all the documents filed by the applicant and also the case diary. After considering the same, no case is made out for grant of bail to the applicants. The application being devoid of merits is hereby dismissed.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12944/2014 08.09.2014:

Shri Rahul Tripathi, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent□State.

Case diary is not available.

It be positively made available on the next date of hearing.

List the case on 12.09.2014.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12972/2014 08.09.2014:

Shri P.K. Singh, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent□State.

Case diary is not available.

It be positively made available on the next date of hearing.

List the case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13001/2014 09.09.2014:

Shri Mahesh Shukla, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent□State.

As prayed by the learned counsel for the applicant, the case is adjourned.

L i s t i n t h e n e x t w e e k u n d e r t h e s a m e h e a d .
Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12972/2014 08.09.2014:

Shri P.K. Singh, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent□State.

Case diary is not available.

It be positively made available on the next date of hearing.

List the case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13090/2014 09.09.2014:

Shri B.K. Shukla, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent□State.

Office to verify and list the case with the record of Misc. Criminal Case No.12658/2014 before appropriate Bench.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13109/2014 09.09.2014:

Shri M.K. Tripathi, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent□State.

In compliance of order dated 05.09.2014 office to verify and list the case as per Clause □10 of the Roster as Misc. Criminal Case No.12420/2014 was decided on 9.08.2014 by another Bench of this Court.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13152/2014 09.09.2014:

Shri Pradeep Naveriya, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent□State.

As prayed by the learned counsel for the applicant, the case is adjourned.

List in the next week under the same head.
Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13188/2014 09.09.2014:

Shri Sourabh Bhushan Shrivastava, Advocate for the applicant.

Shri R.P. Tiwari, Government Advocate for the respondent□State.

As prayed by the learned counsel for the applicant, the case is adjourned.

L i s t i n t h e n e x t w e e k u n d e r t h e s a m e h e a d .
Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13232/2014 09.09.2014:

Shri Dhananjay Chaturvedi, Advocate for the applicant.

Shri R.P. Tiwari, Government Advocate for the respondent□State.

As prayed by the learned counsel for the applicant, the case is adjourned.

L i s t a f t e r t w o w e e k s u n d e r t h e s a m e h e a d .
Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13690/2014 09.09.2014:

S h r i P . L . P a n d e y , A d v o c a t e f o r t h e a p p l i c a n t .
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Heard on the question of admission. Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

The applicant has an apprehension of his arrest in connection with Crime
N o . 1 1 / 2 0 1 4 , r e g i s t e r e d a t P o l i c e
Station Sirmour, District Rewa, for the offences punishable
under Sections 394, 323 and 506, IPC.

Learned counsel for the applicant submits that applicant has been falsely
i m p l i c a t e d i n t h e c a s e . I t i s
further submitted by the learned counsel for the applicant that the applicant has
n o t c o m m i t t e d a n y l o o t o r a s s a u l t

with the complainant. The applicant is a young person of 20 years. The applicant is ready to cooperate in the investigation and trial. The applicant is a reputed citizen of the locality, having no past criminal antecedents, in the event of arrest, his reputation will be tarnished, therefore, he be released on anticipatory bail.

On the other hand, learned Panel Lawyer for the State opposes the application.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of the case, without expressing any view on the merits of the case, I am of the view that this is a fit case for grant of anticipatory bail to the applicant. Consequently, his application under Section 438 of the Cr.P.C. is hereby allowed.

It is directed that in the event of arrest, present applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000 / - (Rupees twenty five thousand) with a solvent surety in the like amount to the satisfaction of the Arresting Police Officer.

The applicant shall make himself available for interrogation by a police officer as and when required. He shall further abide by the other conditions enumerated in sub-Section (2) of Section 438 of Cr.P.C.

Certified copy as per rules.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13712/2014 09.09.2014:

Shri P. S. Chouhan, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent State.

Heard on the question of admission. Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

The applicant has an apprehension of his arrest in connection with Crime No.75/2014, registered at Police Station Bharkachh, District Raisen, for the offences punishable under Sections 363, 366, 120-B and 376 of IPC and

Section 3/4 of Protection of Children From Sexual Offence Act, 2012.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that the applicant is a married woman and is a house wife. There is old enmity between the parties. The applicant is ready to cooperate in the investigation and trial. The applicant is a reputed citizen of the locality, having no past criminal antecedents, in the event of arrest, her reputation will be tarnished, therefore, she be released on anticipatory bail.

On the other hand, learned Panel Lawyer for the State opposes the application.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of the case, without expressing any view on the merits of the case, I am of the view that this is a fit case for grant of anticipatory bail to the applicant. Consequently, her application under Section 438 of the Cr.P.C. is hereby allowed.

It is directed that in the event of arrest, present applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 30,000 / - (Rupees thirty thousand) with a solvent surety in the like amount to the satisfaction of the Arresting Police Officer.

The applicant shall make herself available for interrogation by a police officer as and when required. She shall further abide by the other conditions enumerated in sub-Section (2) of Section 438 of Cr.P.C.

Certified copy as per rules.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13728/2014 09.09.2014:

Shri Abhinav Dubey, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent-State.

Heard on the question of admission. Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

The applicant has an apprehension of his arrest in connection with Crime No.250/2014, registered at Police Station Babai, District Hoshangabad, for the offences punishable under Sections 294, 323, 506/34 and 327, IPC.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that the applicant is the wife of the complainant. The complainant drunk heavily and beaten the applicant for money to consume alcohol. The applicant is ready to cooperate in the investigation and trial. The applicant is a reputed citizen of the locality, having no past criminal antecedents, in the event of arrest, her reputation will be tarnished, therefore, she be released on anticipatory bail.

On the other hand, learned Panel Lawyer for the State opposes the application.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of the case, without expressing any view on the merits of the case, I am of the view that this is a fit case for grant of anticipatory bail to the applicant. Consequently, her application under Section 438 of the Cr.P.C. is hereby allowed.

It is directed that in the event of arrest, present applicant shall be released on bail on furnishing a personal bond in the sum of Rs.15,000/□ (Rupees fifteen thousand) with a solvent surety in the like amount to the satisfaction of the Arresting Police Officer.

The applicant shall make herself available for interrogation by a police officer as and when required. She shall further abide by the other conditions enumerated in sub□Section (2) of Section 438 of Cr.P.C.

Certified copy as per rules.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13732/2014 08.09.2014:

Shri Abhinav Dubey, Advocate for the applicant.
Shri D.K. Parouha, Advocate for the respondent□State.
Learned counsel for the applicant prays for withdrawal of this application.

Accordingly, the application stands dismissed as withdrawn.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.3151/2014 09.09.2014:

Ms. Savita Choudhary, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Learned counsel for the applicant prays for time to comply the order dated 15.07.2014.

List this case in the next week under the same head. Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.5898/2014 09.09.2014:

Shri Anurag Sahu, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent□State.

S h r i A r u n D i x i t , A d v o c a t e f o r t h e o b j e c t o r .
As prayed by the learned counsel for the applicant, the case is adjourned.

L i s t a f t e r t w o w e e k s u n d e r t h e s a m e h e a d .
Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.8211/2014 09.09.2014:

S h r i M a h e s h A c h a r y a , A d v o c a t e f o r t h e a p p l i c a n t s .
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Heard on the question of admission. Admit.

Case diary is available.

This is the first bail application filed by the applicants under Section 439 of the Cr.P.C. for grant of bail.

The applicants are in custody in connection with Crime No.135/2014, registered at Police Station Barela, Jabalpur, for the offences punishable

under Sections 302, 304B, 498A and 307/34, IPC and Section 3/4 of Dowry Prohibition Act.

Learned counsel for the applicants submits that applicants have been falsely implicated in the case. It is further submitted by the learned counsel for the applicants that the applicants no.1 to 3 are house wives, having their minor children and applicant no. 4 is aged about 70 years and suffering from illness. All the families are residing separately and there was no interference in the family of each other. The applicants are in custody since 07.05.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicants on bail.

On the other hand, learned Panel Lawyer for the State has vehemently opposed the application for grant of bail and submitted that as per dying declaration name of all the applicants were stated by the deceased and the offence is serious, hence, prays for dismissal of this application.

Detailed examination of evidence and elaborate documentation of merits is not desirable and should be avoided while passing orders on bail applications. What is necessary is the satisfaction about prima facie case and not an exhaustive exploration of merits in the order itself. It is the duty of the parties as well as the Court to see that at the stage of deciding bail application, the Court is not dragged into minutest details and in an arena of conjectures of hypotheses.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of the case the evidence collected by the prosecution there is indication prima facie that the applicants are alleged to have committed a heinous crime. Looking to the nature and gravity of the accusation, this is not a fit case for grant bail to the applicants. Consequently, his application under Section 439 of the Cr.P.C. is hereby rejected.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.8794/2014 09.09.2014:

Ms. Savita Choudhary, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent State.

As prayed by the learned counsel for the applicant, the case is adjourned.

List after two weeks under the same head.
Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9410/2014 09.09.2014:

Shri R.K. Mishra, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent□State.

As prayed by the learned counsel for the applicant, the case is adjourned.

List after two weeks under the same head.
Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9794/2014 09.09.2014:

Shri Vivek Shukla, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Learned counsel for the applicant is directed to file the order□ sheet of the learned trial Court to apprise this Court the latest position of the trial.

List this case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9862/2014 09.09.2014:

Shri Manish Tiwari, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Learned counsel for the applicant is directed to file the order□ sheet of the learned trial Court to apprise this Court the latest position of the trial as the challan was filed on 29.01.2014.

List this case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9827/2014 09.09.2014:

Shri Pushpendra Dubey, Advocate for the applicant.
Shri K.S. Patel, Panel Lawyer for the respondent □ State.
As prayed by the learned counsel for the applicant, the case is adjourned.

List after two weeks under the same head.
Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9862/2014 09.09.2014:

Shri Manish Tiwari, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent □ State.

Learned counsel for the applicant is directed to file the order □
sheet of the learned trial Court to apprise this Court the latest position of the
trial as the challan was filed on 29.01.2014.

List this case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10083/2014 09.09.2014:

Shri Rajkumar Dubey, Advocate for the applicant.
Shri K.S. Patel, Panel Lawyer for the respondent □ State.
As prayed by the learned counsel for the applicant, the case is adjourned.

List after two weeks under the same head.
Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10083/2014 09.09.2014:

Shri Narendra Nikhare, Advocate for the applicant.
Shri K.S. Patel, Panel Lawyer for the respondent □ State.
Learned counsel for the applicant is directed to file the order □
sheet of the learned trial Court to apprise this Court
the latest position of the trial as the challan was filed in the month of March, 2014.

List this case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10349/2014 09.09.2014:

Shri Narendra Nikhare, Advocate for the applicant.
Shri K.S. Patel, Panel Lawyer for the respondent □ State.
Learned counsel for the applicant is directed to file the order □
sheet of the learned trial Court to apprise this Court
the latest position of the trial as the challan was filed in the month of March, 2014.

List this case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13099/2014 08.09.2014:

Shri Sushil Kumar Tiwari, Advocate for the applicants.
Shri K.S. Patel, Panel Lawyer for the respondent □ State.
Case diary of POR No.1769/15/14 is available.
Learned counsel for the parties are directed to clarify
this fact that arrest memo of applicant no.1 Nilesh is also
attached with the case diary.

List the case on 11.09.2014.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13883/2014 08.09.2014:

Shri Vijay Kumar Shukla, Advocate for the applicants. Shri Ramesh Kushwaha,
Panel Lawyer for the respondent □ State.

Heard on the question of admission. Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

The applicants have an apprehension of their arrest in connection with Crime
No.03/2014, registered at Police Station Jeron, District Tikamgarh, for the
offences punishable under Sections 327, 294 and 506 □ B/34 of IPC (in the
impugned order 560 □ B has wrongly been typed in place of 506 □
B) and Section 3 (1) (x) of SC/ST (Prevention of Atrocities) Act.

Learned counsel for the applicants submits that applicants have been
falsely implicated in the case. It is

further submitted by the learned counsel for the applicants that the applicants objected the misappropriation of funds and illegal activities in Panchayat. The applicants are ready to cooperate in the investigation and trial. The applicants are reputed citizens of the locality, having no past criminal antecedents, in the event of arrest, their reputation will be tarnished, therefore, they be released on anticipatory bail.

On the other hand, learned Panel Lawyer for the State opposes the application.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of the case, without expressing any view on the merits of the case, I am of the view that this is a fit case for grant of anticipatory bail to the applicants. Consequently, their application under Section 438 of the Cr.P.C. is hereby allowed.

It is directed that in the event of arrest, present applicants shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/-(Rupees twenty thousand) with a solvent surety each in the like amount to the satisfaction of the Arresting Police Officer.

The applicants shall make themselves available for interrogation by a police officer as and when required. They shall further abide by the other conditions enumerated in sub-Section (2) of Section 438 of Cr.P.C.

Certified copy as per rules.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.7303/2014 08.09.2014:

Shri Ashish Kurmi, Advocate for the applicant. Shri Ramesh Kushwaha, Panel Lawyer for the respondent-State.

As prayed by the learned counsel for the applicant, list this case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.7578/2014 08.09.2014:

Shri Amit Jain, Advocate for the applicant.
Shri Ramesh Kushwaha, Advocate for the respondent-State.

Learned counsel for the applicant prays for withdrawal of this application with liberty to file afresh after recording the evidence of some witnesses.

Accordingly, the application stands dismissed as withdrawn with liberty aforesaid.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.7842/2014 08.09.2014:

Shri O.P. Tripathi, Advocate for the applicant. Shri Ramesh Kushwaha, Panel Lawyer for the respondent□State.

Learned counsel for the applicant is directed to file the order□ sheet of the learned trial Court to apprise this Court the latest position of the trial.

List this case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13575/2014 08.09.2014:

Shri Neeraj Pathak, Advocate for the applicants. Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Heard on admission.

Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

This is the first bail application filed by the applicants under Section 439 of the Cr.P.C. for grant of bail.

The applicants are in custody in connection with Crime No.175/2014, registered at Police Station Kotwali, Bhopal, for the offences punishable under Sections 376, 120□B, 313, 506 and 34 of IPC and Section 5□□ of Protection of Children From Sexual Offences Act, 2012.

Learned counsel for the applicants submits that applicants have been falsely implicated in the case. It is

further submitted by the learned counsel for the applicants that the applicants are young ladies and are in custody since 01.08.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicants on bail.

On the other hand, learned Panel Lawyer for the State has opposed the application for grant of bail.

Looking to the facts and circumstances of the case, without expressing any view on merits of the case and considering the averments made by learned counsel for the parties, the application under Section 439 of Cr.P.C. may be accepted. Consequently, it is hereby allowed.

It is directed that the applicants be released on bail on furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one solvent surety each in the like amount to the satisfaction of the Committal Court/trial Court to appear before the concerned Court on the dates given by the concerned Court during trial.

C.C. as per rules.

(Subhash Kakade) Judge taj.

Criminal Revision No.2284/2012 08.09.2014:

Shri Lalji Kushwaha, Advocate for the applicant. Shri Ramesh Kushwaha, Panel Lawyer for the respondent State.

Learned counsel for the applicant prays for a fixed date to produce the applicant Mohan in this Court.

Prayer allowed.

List the matter on 12.12.2014 for appearance of aforesaid applicant.

(Subhash Kakade) Judge taj.

Criminal Revision No.933/2013 08.09.2014:

None for the applicant.

Shri Ramesh Kushwaha, Panel Lawyer for the respondent State.

As none appears on behalf of the applicant, the case is adjourned.

List the case under the same head after two weeks.

(Subhash Kakade) Judge taj.

Criminal Revision No.1114/2013 08.09.2014:

Shri Rama Shanker Mishra, Advocate for the applicant.

Shri Ramesh Kushwaha, Panel Lawyer for the respondent□State.

Applicant□Ravi Kumar @ Ravi Yadav is produced by Shri Zakir Ali, Constable No.242 from District Jail, Annuppur. His presence is marked. He be returned back with the same Escort.

Now the appellant need not to appear in this Court and be sent back to serve the remaining jail sentence.

Revision has already been admitted. Record is received.

List the case for final hearing in the week commencing 27.10.2014.

R e g i s t r a r (J u d i c i a l □ I) i s r e q u e s t e d t o i s s u e a p p r o p r i a t e direction to the office to prepare a chart of custody period of the applicant from the initial date of his arrest.

(Subhash Kakade) Judge taj.

Criminal Appeal No.1743/2014 08.09.2014:

Shri Ramesh Kushwaha, Panel Lawyer for the appellant□State.

Shri Pushpendra Verham, Advocate for the respondent.

Heard on I.A. No.17849/2014, which is an application for condonation of non□appearance of respondent on 08.09.2014.

L o o k i n g t o t h e g r o u n d s m e n t i o n e d i n t h e a p p l i c a t i o n (I . A . N o . 1 7 8 4 9 / 2 0 1 4) , t h e s a m e i s a l l o w e d . N o n □ a p p e a r a n c e of the respondent on 08.09.2014 is condoned.

N o w t h e r e s p o n d e n t i s d i r e c t e d t o r e m a i n p r e s e n t b e f o r e t h e R e g i s t r y o f t h i s C o u r t o n 0 9 . 0 3 . 2 0 1 5 a n d o n s u c h o t h e r d a t e s a s m a y b e f i x e d b y t h e R e g i s t r y i n t h i s r e g a r d .

Also heard on I.A. No.17848/2014, an application for dismissal of appeal on the question of its maintainability.

Copy of the said I.A. be supplied to the learned Panel Lawyer, who may file reply on the next date of hearing.

List this case for consideration of I.A. No.17848/2014 on 11.09.2014.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9083/2014 08.09.2014:

None for the applicant.

Shri Ramesh Kushwaha, Panel Lawyer for the respondent State.

List this case along with the record of Misc. Criminal Case No.8915/2011 before the appropriate Bench.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10299/2014 08.09.2014:

Ms. Anita Kaithwas, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent State.

Learned Panel Lawyer for the respondent State prays for and is granted a week's time to produce the complete case diary.

List this case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10299/2014 08.09.2014:

Ms. Anita Kaithwas, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent State.

Learned Panel Lawyer for the respondent State prays for and is granted a week's time to produce the complete case diary.

List this case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10972/2014 08.09.2014:

S h r i V i v e k R u s i a , A d v o c a t e f o r t h e a p p l i c a n t s .
Shri Sanjay Patel, Advocate for the respondent no.1. Shri D.K. Parouha, Panel
Lawyer for the respondent no.2□State.

L e a r n e d c o u n s e l f o r t h e r e s p o n d e n t n o . 1 p r a y s f o r a n d
is granted a days time to argue the matter.

List the case on 11.09.2014.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11401/2014 08.09.2014:

None for the applicant.

Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Case diary is available.

No one appears on behalf of the applicant even in the second round.

I n t h e a b s e n c e o f l e a r n e d c o u n s e l f o r t h e a p p l i c a n t ,
this application is hereby dismissed for want of prosecution.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11941/2014 08.09.2014:

S h r i H . S . D u b e y , S e n i o r A d v o c a t e a s s i s t e d b y S h r i
Amit Dubey, Advocate for the applicant.

Shri R.P. Tiwari, Government Advocate for the respondent□State.

Case diary is not available.

I t b e p o s i t i v e l y m a d e a v a i l a b l e o n t h e n e x t d a t e o f h e a r i n g .

List the case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12055/2014 08.09.2014:

None for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent □ State.
Case diary is also not available. It be positively made available on the next date of hearing.

List the case after three weeks as per convenience of the Registry.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12345/2014 08.09.2014:

Shri Satish Chaturvedi, Advocate for the applicants.
Shri K.S. Patel, Panel Lawyer for the respondent □ State.
Heard on the question of admission. Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

The applicants have an apprehension of their arrest in connection with Crime No . 1 7 8 / 2 0 1 4 , registered at Police Station Chorhata, District Rewa, for the offences punishable under Sections 294, 323, 341, 354 and 506 □ B , I P C and Section 3 (1) (x) of SC/ST (Prevention of Atrocities) Act.

Learned counsel for the applicants submits that applicants have been falsely implicated in the case. It is further submitted by the learned counsel for the applicants that the complainant has interested in the payment made by the Government for such offences. The applicant is ready to cooperate in the investigation and trial. The applicants are reputed citizens of the locality, having no past criminal antecedents, in the event of arrest, their reputation will be tarnished, therefore, they be released on anticipatory bail.

On the other hand, learned Panel Lawyer for the State opposes the application.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of the case, without expressing any view on the merits of the case, I am of the view that this is a fit case for grant of anticipatory bail to the applicants. Consequently, their application under Section 438 of the Cr.P.C. is hereby allowed.

It is directed that in the event of arrest, present applicants shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/-(Rupees twenty thousand) with a solvent surety each in the like amount to the satisfaction of the Arresting Police Officer.

The applicants shall make themselves available for interrogation by a police officer as and when required. They shall further abide by the other conditions enumerated in sub-Section (2) of Section 438 of Cr.P.C.

Certified copy as per rules.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12437/2014 08.09.2014:

Shri Sushil Goswami, Advocate for the applicant.
Shri K.S. Patel, Panel Lawyer for the respondent-State.
As prayed by the learned counsel for the applicant, list this case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12697/2014 08.09.2014:

Shri Manish Tiwari, Advocate for the applicants. Shri R.P. Tiwari, Government Advocate for the respondent-State.

Heard on the question of admission. Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

The applicants have an apprehension of their arrest in connection with Crime No.612/2014, registered at Police Station Kotwali, District Sidhi, for the offences punishable under Sections 354-K (1), 323, 294 and 506/34, IPC.

Learned counsel for the applicants submits that applicants have been falsely implicated in the case. It is further submitted by the learned counsel for the applicants that as per Annexure A-2 and Annexure A-3 it is clear that a civil litigation is pending between the parties. The applicant is ready to cooperate in the investigation and trial. The applicants are reputed citizens of the locality, having no past criminal antecedents, in the event of arrest, their reputation

will be tarnished, therefore, they be released on anticipatory bail.

On the other hand, learned Panel Lawyer for the State opposes the application.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of the case, without expressing any view on the merits of the case, I am of the view that this is a fit case for grant of anticipatory bail to the applicants. Consequently, their application under Section 438 of the Cr.P.C. is hereby allowed.

It is directed that in the event of arrest, present applicants shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/-(Rupees twenty thousand) with a solvent surety each in the like amount to the satisfaction of the Arresting Police Officer.

The applicants shall make themselves available for interrogation by a police officer as and when required. They shall further abide by the other conditions enumerated in sub-Section (2) of Section 438 of Cr.P.C.

Certified copy as per rules.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12580/2014 08.09.2014:

Shri Madan Singh, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent-State.

List this case along with the record of Misc. Criminal Case No.12373/2014 in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12581/2014 08.09.2014:

Shri Madan Singh, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent-State.

List this case along with the record of Misc. Criminal Case No.12373/2014 in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12459/2014 08.09.2014:

Shri V.K. Pandey, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Case diary is not available.

It be positively made available on the next date of hearing.

List the case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12766/2014 08.09.2014:

Shri Lalit Pandey, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent□State.

Heard on the question of admission. Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

The applicant has an apprehension of his arrest in connection with Crime No.63/2014, registered at Police Station Magrone, District Damoh, for the offences punishable under Sections 306 and 376/34, IPC.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that as per Annexure A□2, a certificate given by the Dr. N.K. Tiwari, the applicant is suffering from cervical spondylosis changes with multiple level disc protrusion and severe underlying cord compression. The doctor also opined that there is nothing to suggest that the applicant is sexually competent for sexual activity. The applicant is ready to cooperate in the investigation and trial. The applicant is a reputed citizen of the locality, having no past criminal antecedents, in the event of arrest, his reputation will be tarnished, therefore, he be released on anticipatory bail.

On the other hand, learned Panel Lawyer for the State opposes the application.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of

the case, without expressing any view on the merits of the case, I am of the view that this is a fit case for grant of anticipatory bail to the applicant. Consequently, his application under Section 438 of the Cr.P.C. is hereby allowed.

It is directed that in the event of arrest, present applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 30,000 / - (Rupees thirty thousand) with a solvent surety in the like amount to the satisfaction of the Arresting Police Officer.

The applicant shall make himself available for interrogation by a police officer as and when required. He shall further abide by the other conditions enumerated in sub-Section (2) of Section 438 of Cr.P.C.

Certified copy as per rules.

(Subhash Kakade) Judge taj.

Criminal Appeal No.2352/2000 08.09.2014:

Shri D.K. Parouha, Panel Lawyer for the appellant-State.

Shri Neeraj Pathak, Advocate for the respondent. Learned counsel for the respondent prays for a fixed date to produce the respondent-Narendra Kumar Pandey in this Court.

Prayer allowed.

List the matter on 29.09.2014 for appearance of aforesaid respondent.

(Subhash Kakade) Judge taj.

Criminal Appeal No.2359/2000 08.09.2014:

Shri K.S. Patel, Panel Lawyer for the appellant-State. Shri Ratnesh Yadav, Advocates for the respondent-Omprakash Sahu.

Respondent-Omprakash Sahu is personally present before this Court. He is identified by his counsel. His presence be marked.

Now respondent-Omprakash Sahu is directed to remain present before the Registry of this Court on 08.01.2015 and on such other dates as may be fixed by the Registry in this regard.

The appeal has already been admitted. Record is available.

List for final hearing in due course.

(Subhash Kakade) Judge taj.

08.09.2014:

Shri K.S. Patel, Panel Lawyer for the appellant □ State.
Shri Narendra Nikhare, Advocates for the respondent no.2 □ Keshav Singh.

Respondent no.2 Keshav Singh is personally present before this Court. He is identified by his counsel. His presence be marked.

C o m p l a i n a n t M a l t i B a i i s a l s o p r e s e n t .
Learned counsel for the respondent no.2 prays for and is granted time to file compromise petition.

Now the parties will appear before the Registrar (Judicial) on 16.09.2014.

(Subhash Kakade) Judge taj.

Criminal Appeal No.1237/2001 08.09.2014:

Shri K.S. Patel, Panel Lawyer for the appellant □ State. Shri Pushpendra Dubey and Shri Narendra Nikhare, Advocates for the respondent no.2 □ Sudhir Mohan.

Respondent no.2 Sudhir Mohan is personally present before this Court. He is identified by his counsel. His presence be marked.

R e s p o n d e n t n o . 1 D u r g a P r a s a d h a s d i e d . H i s n a m e i s
deleted as per the order dated 04.10.2005.

Respondent no.2 is now directed to appear before the trial Court Begamganj, District Raisen on 15th January, 2015 and on such other dates as may be given to him in this behalf during pendency of the appeal.

Appeal has already been admitted. Record is available.

List this case for final hearing in due course. Cc as per rules.

(Subhash Kakade) Judge taj.

Criminal Appeal No.1763/2004 08.09.2014:

Shri Neeraj Pathak, Advocate for the appellants. Shri K.S. Patel, Panel Lawyer for the respondent State. Learned counsel for the appellants prays for a fixed date to produce the appellant no.2 Vijay in this Court.

Prayer allowed.

List the matter on 25.09.2014 for appearance of aforesaid appellant.

(Subhash Kakade) Judge taj.

Criminal Revision No.2240/2008 08.09.2014:

Shri Neeraj Pathak, Advocate for the applicant. Shri Ramesh Kushwaha, Panel Lawyer for the respondent State.

Applicant Hariram is personally present before this Court. He is identified by his counsel. His presence be marked.

Applicant is now directed to appear before the CJM, Damoh on 5th March, 2015 and on such other dates as may be given to him in this behalf during pendency of the revision.

Revision has already been admitted. Record is available.

List this case for final hearing in due course. Registrar (Judicial I) is requested to issue appropriate direction to the office to prepare a chart of custody period of the applicant from the initial date of his arrest.

(Subhash Kakade) Judge taj.

Criminal Revision No.667/2011 08.09.2014:

None for the applicant.

Shri Ramesh Kushwaha, Panel Lawyer for the respondent State.

On 05.08.2014 with covering memo death certificate of applicant Mangal Singh was filed.

Learned Panel Lawyer is directed to verify the death of applicant Mangal Singh.

Typed copy of this order be supplied to the office of Advocate General along with photocopy of the death certificate for information and strict compliance.

List the case on 30.09.2014.

(Subhash Kakade) Judge taj.

Criminal Revision No.484/2012 08.09.2014:

Shri U.S. Jaiswal, Advocate for the applicant. Shri R.K. Kesharwani, Panel Lawyer for the respondent□State.

Learned counsel for the applicant submits that the applicant□Shashi Kishore Tiwari is in custody in connection with some other offence.

Let a production warrant be issued to the applicant for his appearance before this Court on the next date of hearing.

List the case on 06.10.2014.

(Subhash Kakade) Judge taj.

Criminal Revision No.1036/2012 08.09.2014:

Shri Neeraj Dubey, Advocate for the applicant. Shri Ramesh Kushwaha, Panel Lawyer for the respondent□State.

On 25.08.2014 also it was submitted by the learned counsel for the applicant that the applicant□Mohammad Mumtaz Khan has expired.

Office is directed to issue bailable warrant of arrest in the sum of Rs.10,000/□ against the applicant to secure his presence before this Court on the next date of hearing with this note that if this fact is found that he has died then file a death certificate with required report.

Case be listed on 08.10.2014. Typed copy of this order be supplied to the office of Advocate General for information and strict compliance.

(Subhash Kakade) Judge taj.

Criminal Appeal No.688/2012 08.09.2014:

Ms. Manju Khatri, Advocate for the appellant. Appellant Suraj Chourasiya is produced by Shri Rakesh Kumar, Head Constable No.2424 from Central Jail, Bhopal. His presence is marked. He be returned back with the same Escort.

Shri Ramesh Kushwaha, Panel Lawyer for the respondent State.

Now the appellant need not to appear in this Court and be sent back to serve the remaining jail sentence.

Appeal has already been admitted. Record is received.

List the case for final hearing in due course.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10617/2014 05.09.2014:

Shri V.K. Lakhera, Advocate for the applicants. Shri K.S. Patel, Panel Lawyer for the respondent State. List this case along with Misc. Criminal Case No.10385/2014 before the appropriate Bench in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10631/2014 05.09.2014:

Shri Pushpendra Dubey, Advocate for the applicant. Shri K.S. Patel, Panel Lawyer for the respondent State. As prayed by the learned counsel for the applicant, list this case along with Misc. Criminal Case No.11655/2014 before the appropriate Bench in the next week.

(Subhash Kakade) Judge taj.

05.09.

2014:

Shri Rahul Tripathi, Advocate for the appellant. Shri K.S. Patel, Panel Lawyer for the respondent State. The appeal has already been admitted. Heard on I.A. No.2136/2014, an application for suspension of sentence and grant of bail on behalf of the

appellant.

The appellant has been convicted under Section 376 and 323 (two counts) of IPC sentenced to undergo rigorous imprisonment for 10 years and fine of Rs.5,000/□ and rigorous imprisonment for 1 years and fine of Rs.1,000/□ respectively with default stipulation.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the matter. It is further submitted by the learned counsel for the appellant that the prosecutrix was a major and was a consenting party. The appellant is in jail since 29.08.2013. He also submits that there is no likelihood of coming up of this appeal for final hearing in near future.

Learned Panel Lawyer for the State vehemently opposes the prayer for suspension of sentence and grant of bail and submitted that the prosecutrix is a minor, hence, the application for suspension of sentence and grant of bail may kindly be rejected.

Considering the nature of offence proved against the appellant and also the facts and circumstances of the case, I am of the considered view that it is not a fit case to suspend the jail sentence and grant bail to the appellant.

Accordingly, the I.A. No.2136/2014 stands rejected.

(SUBHASH KAKADE)

JUDGE taj/-

Misc. Criminal Case No.10243/2014 05.09.2014:

Shri Prakash Upadhyay, Advocate for the applicants.
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Heard on admission.

Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

This is the first bail application filed by the applicants under Section 439 of the Cr.P.C. for grant of bail.

The applicants are in custody in connection with Crime No.230/2014, registered at Police Station Mouganj, District Rewa, for the offence punishable under Section 8/20 of N.D.P.S. Act.

At the very outset learned counsel for the applicants does not wish to press the bail application on behalf of applicant no.1 Santendra @ Pintu Saket.

Accordingly, the bail application on behalf of applicant no.1 Santendra @ Pintu Saket stands dismissed as not pressed.

Now, the bail application on behalf of the applicant no.2 Kheladi is taken into consideration.

Learned counsel for the applicants submits that he has falsely been implicated in the case. It is further submitted that the police have failed to identify the actual owner of the seized Cannabis. The applicant no.2 is in custody since 16.06.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicant no.2 Kheladi on bail.

On the other hand, learned Panel Lawyer for the State has opposed the application for grant of bail.

Looking to the facts and circumstances of the case, without expressing any view on merits of the case and considering the averments made by learned counsel for the parties, the application under Section 439 of Cr.P.C. may be accepted. Consequently, it is hereby allowed.

It is directed that the applicant no.2 Kheladi be released on bail on furnishing a personal bond in the sum of Rs.30,000/□ (Rupees Thirty Thousand only) with one solvent surety in the like amount to the satisfaction of the Committal Court/trial Court to appear before the concerned Court on the dates given by the concerned Court during trial.

C.C. as per rules.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10960/2014 05.09.2014:

Shri S.K. Shukla, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent□State.

As prayed by the learned counsel for the applicant, the case is adjourned.

List after two weeks under the same head.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11110/2014 05.09.2014:

Shri Mahesh Acharya, Advocate for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent□State.

As prayed by the learned counsel for the applicant, the case is adjourned.

List after one month under the same head.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11846/2014 05.09.2014:

Shri Pushpendra Dubey, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent□State.

As prayed by the learned counsel for the applicant, the case is adjourned.

List after two weeks under the same head.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12374/2014 05.09.2014:

Shri Manoj Kumar Soni, Advocate for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent□State.

Heard on the question of admission. Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

The applicant has an apprehension of his arrest in connection with Crime No.60/2011, registered at Police Station Bijadehi (SC/ST), District Betul, for the offences punishable under Sections 376 and 506/34 of IPC read with

Section 3 (1) (xii) and 3 (2) (v) of SC/ST (Prevention of Atrocities) Act.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that during trial before the Juvenile Justice Boar the prosecutrix was examined as PW□1 with her mother Shivkali Bai (PW□2), father Shanker Rao (PW□4) and other villagers Rekha Bai (PW□3) and Sunil (PW□5), they all turned hostile and also stated that the applicant was no instrumental for offence. The applicant is ready to cooperate in the investigation and trial. The applicant is a reputed citizen of the locality, having no past criminal antecedents, in the event of arrest, his reputation will be tarnished, therefore, he be released on anticipatory bail.

On the other hand, learned Panel Lawyer for the State vehemently opposes the application on the ground that right from the beginning to shield himself applicant is absconded and his name is very much there as main accused in the FIR, hence, prays for rejection of this application.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of the case, without expressing any view on the merits of the case, I am of the view that this is a fit case for grant of anticipatory bail to the applicant. Consequently, his application under Section 438 of the Cr.P.C. is hereby allowed.

It is directed that in the event of arrest, present applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 30,000 / □ (Rupees thirty thousand) with a solvent surety in the like amount to the satisfaction of the Arresting Police Officer.

The applicant shall make himself available for interrogation by a police officer as and when required. He shall further abide by the other conditions enumerated in sub□Section (2) of Section 438 of Cr.P.C.

Certified copy as per rules.s (Subhash Kakade) Judge taj.

Criminal Revision No.1003/2000 05.09.2014:

Shri R.K. Raghuwanshi, Advocate for the applicant. Applicant□ Praveen Kumar Jain is also personally present and is duly identified by his

counsel. His presence is marked.

Shri K.S. Patel, Panel Lawyer for the respondent State. Heard on I.A. No.17709/2014/2014, which is an application for condonation of non appearance of applicant on 22.07.2014.

Looking to the grounds mentioned in the application (I.A. No.17709/2014), the same is allowed. Non appearance of the applicant on 22.07.2014 is condoned.

Revision has already been admitted for final hearing. Record is available.

Now list the case for final hearing on 13.10.2014. At that time the applicant shall remain personally present before this Court.

Registrar (Judicial) is requested to issue appropriate direction to the office to prepare a chart of custody period of the applicant from the initial date of his arrest.

(Subhash Kakade) Judge taj.

05.09.2014:

Shri M . M . N a b i , A d v o c a t e f o r t h e a p p e l l a n t s .
Shri K.S. Patel, Panel Lawyer for the respondent State. Learned counsel for the appellants prays for a fixed date to produce the appellant no.2 Sushila and appellant no.3 Vicky alias Vikas in this Court.

Prayer allowed.

List the matter on 08.10.2014 for appearance of aforesaid appellants.

(Subhash Kakade) Judge taj.

05.09.2014:

Shri Arubendra Singh Parihar, Advocate for the appellants.

Shri K.S. Patel, Panel Lawyer for the respondent State. Learned counsel for the appellants prays for a fixed date to produce the appellant no.2 Idrish Khan and appellant no.5 Mohd. Asfaque Khan in this Court.

Prayer allowed.

List the matter on 17.09.2014 for appearance of aforesaid appellants.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.7477/2014 05.09.2014:

Shri Abhinav Dubey, Advocate for the applicant. Shri Rajendra Kumar Gupta, Advocate for the respondent no.1.

Shri K.S. Patel, Panel Lawyer for the respondent no.2□State.

As prayed by the learned counsel for the applicant, the case is adjourned.

List after two weeks under the same head.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10301/2014 05.09.2014:

None for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent□State. Case diary is available.

This is a repeat application filed by the applicant under Section 438 of Cr.P.C. Earlier the application filed by the applicant is dismissed as withdrawn vide order dated 20.03.2014.

In the absence of learned counsel for the applicant, the application is dismissed for want of prosecution.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11341/2014 05.09.2014:

None for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent□State. Case diary is available.

As none appears on the behalf of the applicant, the case is adjourned.

List this case after four weeks. Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12046/2014 05.09.2014:

Shri Rajneesh Patel, Advocate for the applicant.
Shri K.S. Patel, Advocate for the respondent State.
Learned counsel for the applicant prays for withdrawal of this application.

Accordingly, the application stands dismissed as withdrawn.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12456/2014 05.09.2014:

Shri Satyam Agrawal, Advocate for the applicants.
Shri K.S. Patel, Panel Lawyer for the respondent State. In compliance of earlier order dated 25.08.2014 learned Panel Lawyer did not file any verification report regarding the documents i.e. Agreement letter (Annexure A/2) and Compromise (Annexure A/3).

It is submitted by the learned counsel for the applicant that these documents were already filed with the application.

In such premises learned Panel Lawyer is directed to verify these document and submit a report in this regard on the next date of hearing.

Typed copy of this order be supplied to the office of Advocate General for information and compliance.

List this case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.7252/2014 05.09.2014:

Shri Uma Shanker Jaiswal, Advocate for the applicant.
Shri K.S. Patel, Panel Lawyer for the respondent State. Case diary is available.

With the consent of the parties the case is heard finally.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody in connection with Crime No.67/2014, registered at Police Station Maihar, District Satna, for the offences punishable under Sections 498A and 304B of IPC.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that the deceased has died on 08.06.2013 due to electric shock and during her treatment no complaint has been made against the applicant neither by the relatives nor by the deceased. The applicant is a young person and is in custody since 25.01.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State has opposed the application for grant of bail.

Looking to the facts and circumstances of the case, without expressing any view on merits of the case and considering the averments made by learned counsel for the parties, the application under Section 439 of Cr.P.C. may be accepted. Consequently, it is hereby allowed.

It is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs. 30,000 / - (Rupees Thirty Thousand only) with one solvent surety in the like amount to the satisfaction of the Committal Court/trial Court to appear before the concerned Court on the dates given by the concerned Court during trial.

C.C. as per rules.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9923/2014 05.09.2014:

None for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent State. Case diary is available.

As none appears on the behalf of the applicant, the case is adjourned.

List this case after six weeks. Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Criminal Revision No.1417/2014 02.09.2014:

Shri Mahendra Choubey, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent□State.

Heard on the question of admission. Case diary is available.

With the consent of the parties case is finally heard. This revision under Section 397/401 of Cr.P.C. has been filed against the order dated 26.06.2014, passed in Sessions Trial No.22/2014, by the learned Fifteenth Additional Sessions Judge, Jabalpur, by which the learned trial Court framed charges punishable under Sections 363, 366, 354 and 376 (2) (I) of IPC and Sections 6 & 8 of the Protection of Children From Sexual Offences Act, 2012.

The case for the prosecution is that on 17.02.2014 at 08:30 pm when the minor prosecutrix, aged 7 years was playing in front of her house at that point of time the applicant come over there and asked her to come at his home, he will pay money to her. The applicant inside the room of his house kissed the prosecutrix and and also forcefully compelled her to fulfill her sexual lust.

After lodging the FIR, challan was filed against the applicant, hence, the accused was charge□sheeted. The learned Fifteenth Additional Sessions, Jabalpur vide impugned order leveled charges against the applicant for the offence punishable 363, 366, 354 and 376 (2) (I) of IPC and Sections 6 & 8 of the Protection of Children From Sexual Offences Act, 2012, against which this revision is being filed. Learned counsel for the applicant submits that the learned trial Court failed to consider that the applicant has been released on bail by the learned trial Court. As per the statement taken under Section 164 of Cr.P.C. the offence under Section 376 (2) (I) of IPC is not made out. There is no evidence to show that the prosecutrix was subjected to sexual intercourse by the applicant. The entire allegations levelled against the applicant are also not showing that the applicant has committed the offence punishable under Section 376 (2) (I) of IPC. It is further submitted by the learned counsel for the applicant that Sections 8 and 6 of Protection of Children From Sexual Offences Act, 2012 are also not made out because the ingredients of these sections are not available in the challan.

Learned Government Advocate for the respondent□State vehemently opposed the contention as advanced by the learned counsel for the applicant and prays for dismissal of this revision.

Having heard learned counsel appearing on behalf of the parties and after perusal of the record as well as the case diary prima facie the applicant found involved in commission the aforementioned offence.

At the stage of framing charges the Court cannot apply its judicial mind for the consideration whether or not there is any ground for presuming the commission of the offence by the accused. At this stage the Court will consider judicially whether the material warrants the framing of the charge or not.

The standard of test, proof and judgment which is to be applied finally before finding, the accused guilty or otherwise, is not exactly to be applied at the stage of Section 227 and 228 of the Code of Criminal Procedure, 1973. At this stage, even a very strong suspicion founded upon material before the Court, which leads him to form a presumptive opinion as to the existence of the factual ingredients constituting the offence alleged may justify the framing of charge against the accused in respect of the commission of that offence is lawful.

In view of the above facts and circumstances, the learned trial Court has rightly framed the charges against the applicant. Accordingly, I do not find any illegality or perversity in the impugned order warranting interference by way of this Revision petition against framing of charge.

The revision is dismissed summarily.

(Subhash Kakade) Judge taj.

Criminal Appeal No.1113/2014 .09.2014:

Shri Sudhir Mishra, Advocate for the appellants.
Shri D.K. Parouha, Panel Lawyer for the respondent State.

Heard on I.A. No.15216/2014, an application for suspension of sentence and grant of bail to appellants.

The appellants have been convicted under Section 366 of IPC and sentenced to undergo rigorous imprisonment of 7 years and fine of Rs.2,000/-with default stipulation.

Learned counsel for the appellants submits that the appellants have been falsely implicated in the matter. It is submitted by the learned counsel for the appellants that the independent witnesses have not supported the case of the prosecution. The appellant no.2, is a lady and has falsely been implicated in the offence. He also submits that there was there is no likelihood of coming up of this appeal for final hearing in near future.

Learned Panel Lawyer for the State opposed the prayer for suspension of sentence and grant of bail.

On due consideration of the facts and circumstances of the case and the nature of allegation, this application is allowed. Execution of jail sentence of the appellants is suspended. They are directed to be enlarged on bail on their furnishing a personal bond in the sum of Rs.30,000/□ (Rupees Thirty Thousand Only) and a surety bond in the like amount to the satisfaction of trial Court for their appearance before the Registry of this Court on 8th February, 2015 and on such other dates as may be fixed by the registry in this regard.

It is made clear that the sentence of fine amount is not suspended.

List this case for final hearing in due course. C.C. as per rules.

(SUBHASH KAKADE)

JUDGE taj/□

Misc. Criminal Case No.12701/2014 04.09.2014:

Shri G.S. Ahluwalia, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Heard on the question of admission. Admit.

Case diary is available.

This is the repeat bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail. Earlier the bail application filed by the applicant, which was rejected vide order dated 22.07.2014.

The applicant is in custody in connection with Crime No.66/2014, registered at Police Station Niwas, District Mandla, for the offences punishable under Sections 498□A, 306/34 in the alternative 302 of IPC.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that in her dying declaration the deceased stated that she got burnt due to fall of Chimney, hence it was an accident. In the statement of parent of deceased it is nowhere stated that the applicant was harassing the deceased. The applicant is in custody since 30.03.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State vehemently opposes the application on the ground that at the time of recording the dying declaration Dr. PW-6 V.K. Paigwar stated that the deceased was fully conscious, hence, prays for dismissal of this application.

Detailed examination of evidence and elaborate documentation of merits is not desirable and should be avoided while passing orders on bail applications. What is necessary is the satisfaction about prima facie case and not an exhaustive exploration of merits in the order itself. It is the duty of the parties as well as the Court to see that at the stage of deciding bail application, the Court is not dragged into minutest details and in an arena of conjectures of hypotheses.

This is a repeat bail application of the applicant, his earlier application has been dismissed on 22.07.2014. Ever since then, there is no change in the circumstances to take a different view. Still with a view to satisfy the judicial mind, once again I have gone through all the documents filed by the applicant and also the case diary. After considering the same, no case is made out for grant of bail to the applicant. The application being devoid of merits is hereby dismissed.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12997/2014 04.09.2014:

Shri Nitin Jain, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent-State.

Heard on the question of admission. Admit.

Case diary is not available, however, the applicant has filed the photocopy of challan paper for consideration of this application.

This is the repeat bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail. Earlier the bail application filed by the applicant, which was rejected vide order dated 24.07.2014.

The applicant is in custody in connection with Crime No.519/2014, registered at Police Station Garha, Jabalpur, for the offences punishable under Sections 376 (f) and 376

(g) of IPC and Section 4 of Protection of Children From Sexual Offences Act, 2012.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that the applicant was not present there at the time of incident. The applicant is a young person of 21 years and is in custody since 25.04.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State vehemently opposes the application on the ground that the prosecutrix is merely aged about 10 years, hence, prays for dismissal of this application.

Detailed examination of evidence and elaborate documentation of merits is not desirable and should be avoided while passing orders on bail applications. What is necessary is the satisfaction about prima facie case and not an exhaustive exploration of merits in the order itself. It is the duty of the parties as well as the Court to see that at the stage of deciding bail application, the Court is not dragged into minutest details and in an arena of conjectures of hypotheses.

This is a repeat bail application of the applicant, his earlier application has been dismissed on 24.07.2014. Ever since then, there is no change in the circumstances to take a different view. Still with a view to satisfy the judicial mind, once again I have gone through all the documents filed by the applicant and also the challan papers. After considering the same, no case is made out for grant of bail to the applicant. The application being devoid of merits is hereby dismissed.

(Subhash Kakade) Judge taj.

04.09.2014:

Shri K.S. Patel, Panel Lawyer for the appellant □ State.
Shri S.M. Shukla, Advocate for the respondents.
Today the case is listed for admission. In the light of
order dated 27.01.2014 and the order dated 23.04.2014 the
the appeal was admitted and was fixed for final hearing in due course.

Now, office is directed to list the case for final hearing in due course.

(Subhash Kakade) Judge taj.

04.09.2014:

Shri M. Shafiqullah, Advocate for the applicant. Respondent no.1 to 4 are duly
served but nobody appears on their behalf.

Shri R.P. Tiwari, Government Advocate for the respondent no.5 □ State.

List the case after two weeks under the same heard as
per convenience of the Registry.

(Subhash Kakade) Judge taj.

Criminal Revision No.472/2014 04.09.2014:

Shri Paritosh Trivedi, Advocate for the applicant. Heard on admission.

Admit.

Shri R.P. Tiwari, Government Advocate accepts notice on behalf of the
respondent □ State, hence, no notice is required.

List this case for final hearing in the week commencing 13th October, 2014.

(Subhash Kakade) Judge taj.

Criminal Revision No.510/2014 04.09.2014:

Shri Kamlesh Mishra, Advocate for the applicant.
Heard on the question of admission as well as on I.A.
No.5258/2014, an application for stay of further proceeding of the Family Court.

Issue show cause notice against admission as well as
on the said I.A. to the respondent on payment of process fee within a week both
by ordinary as well as registered A/D post.

Notice be made returnable within four weeks.

(Subhash Kakade) Judge taj.

Criminal Revision No.518/2014 04.09.2014:

None for the applicant.

Shri R.P. Tiwari, Government Advocate for the respondent no.2□State.

As none appears on behalf of the applicant, the case is adjourned.

List this case after two months under the same head as per convenience of the Registry.

(Subhash Kakade) Judge taj.

Criminal Revision No.784/2006 04.09.2014:

Shri K.B. Vishwakarma, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

It is submitted by the learned counsel for the applicant that since long time the applicant□Chhotelal is not in his contact.

In view of the aforesaid, office is directed to issue a fresh warrant of arrest against the applicant to secure his presence before this Court on the next date of hearing.

The Superintendent of Police, Rewa is directed for strict compliance of the order otherwise responsible officer shall remain personally present before this Court.

Case be listed on 10.11.2014 for appearance of the applicant.

Registrar (Judicial□I) is requested to issue appropriate direction to the office to prepare a chart of custody period of the applicant from the initial date of his arrest.

(Subhash Kakade) Judge taj.

Criminal Revision No.1779/2011 04.09.2014:

Shri K.B. Vishwakarma, Advocate for the applicant. Applicant ☐ Rajesh Kumar Sahu is also personally present and is duly identified by his counsel. His presence is marked. He be returned back with the same Escort.

Shri D.K. Parouha, Panel Lawyer for the respondent ☐ State.

It is submitted by the learned counsel for the applicant that in compliance of order dated 26.08.2013 the bail bonds were not furnished by the applicant, therefore, he is serving his sentence. It is further submitted that the applicant ☐ Rajesh Kumar Sahu is already served out his jail sentence.

In such premises learned Panel Lawyer for the respondent ☒ State is directed to get the report from the Central Jail, Satna regarding serving of sentence of applicant.

Now the applicant need not appear in this Court. List the case on 11.09.2014. Report must be submitted by the Learned Panel Lawyer.

A typed copy of this order be supplied to the Office of the Advocate General for information and compliance.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.7427/2014 04.09.2014:

None for the applicant.

Shri Neeraj Pathak, Advocate for the respondent no.1. Shri D.K. Parouha, Panel Lawyer for the respondent no.2 ☐ State.

As none present on behalf of the applicant, list this case after three weeks as per convenience of the Registry.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9180/2014 04.09.2014:

Shri Rajesh Yadav, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent ☐ State.

As prayed by the learned counsel for the applicant, list this case after one month.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9691/2014 04.09.2014:

S h r i R a j e s h Y a d a v , A d v o c a t e f o r t h e a p p l i c a n t s .
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

As prayed by the learned counsel for the applicants, list this case after one month.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.6806/2011 03.09.2014:

S h r i S a n j e e v S a x e n a , A d v o c a t e f o r t h e a p p l i c a n t .
As prayed by the learned counsel for the applicant, list this case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.8055/2011 03.09.2014:

Shri Shivraj Kushwaha, Advocate for the applicant.

A s p r a y e d b y t h e l e a r n e d c o u n s e l f o r t h e
applicant, list this case after two weeks.

(Subhash Kakade) Judge taj.

Criminal Revision No.2329/2013 03.09.2014:

Shri L.D.S. Baghel, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer
for the respondent□State.

List this case along with Criminal Revision No.1043/2013.

(Subhash Kakade) Judge taj.

Criminal Appeal No.1243/2013 03.09.2014:

None for the appellant.

Shri D.K. Parouha, Panel Lawyer for the respondent no.1□State.

As no one present on behalf of the applicant, the case is adjourned.

List this case after one month under the same head as per convenience of the Registry.

(Subhash Kakade) Judge taj.

Criminal Revision No.1497/2013 03.09.2014:

Shri Mukesh Mishra, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Learned counsel for the applicant is directed to file the order□ sheet of the learned trial Court to apprise this Court the latest position of the trial.

List this case on 30.09.2014 under the same head.
Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Criminal Revision No.350/2006 03.09.2014:

None for the applicant.

Shri D.K. Parouha, Panel Lawyer for the respondent no.5□State.

This revision under Section 397/401 of Cr.P.C. has been filed by the applicant being aggrieved by the order dated 25.01.2006, passed in Criminal Case No.1291/2002, by the Judicial Magistrate First Class, District Sagar, whereby the learned Court below acquitted the respondents no.1 to 4 of the charge punishable under Section 498□A of IPC and also overlooking the offence punishable under Section 324 of IPC.

This revision is of the year 2006. Since none is present on behalf of the applicant, it seems that with the passage of time, the applicant has lost interest in prosecuting the case. Hence, this application deserves to be dismissed in default.

The briefly stated fact of the case are that the applicant lodged the report against the respondents no.1 to 4 alleging therein that she married with the respondent no.1 on 09.12.1996, according to Hindu rites and rituals

prevalent amongst Hindu Society. The respondents no.1 to 4 used to tortured and committed Marpeet with her to fulfill their dowry demand.

Learned trial Court rightly pointed out that..... In this sequence learned trial Court rightly acquitted the respondent of the charges under Section 3/5 of Explosive Substance Act.

Learned counsel for the applicant could not point out any illegality or perversity in the impugned order. It is a well settled principle of law that unless the impugned order is palpably wrong and grossly unreasonable, interference in the revision filed under Section 397/401 of Cr.P.C. is not called for.

Accordingly, the revision stands dismissed.

(Subhash Kakade) Judge taj.

Criminal Revision No.354/2006 03.09.2014:

None for the applicant.

Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Office is directed to issue bailable warrant of arrest in the sum of Rs.10,000/□ against the applicant □ Ramlal Kewat to secure his presence before this Court on the next date of hearing.

Case be listed on 12.11.2014 for appearance of the aforesaid applicant.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.7964/2013 02.09.2014:

Shri Neeraj Singh, Advocate for the applicants.
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Heard on I.A. No.24670/2013, which is an application for taking documents on record.

For the reasons stated in the application, the same is allowed. The documents be taken on record.

Learned Panel Lawyer submits that this application filed under Section 482, Cr.P.C. Complainant Govind Namdeo is necessary party.

Learned counsel for the applicant prays for time to argue the matter on this point.

List this case in the next week.

(Subhash Kakade) Judge taj.

Criminal Appeal No.2260/2013 03.09.2014:

None for the appellant.

Shri A.K. Soni, Advocate for the respondents no.1 to 3. Shri D.K. Parouha, Panel Lawyer for the respondent no.4□State.

As one present on behalf of the appellant, list this case after two weeks under the same head.

In the meanwhile learned Panel Lawyer is directed to submit the report whether any appeal has been preferred by the State against the order of acquittal or not?

(Subhash Kakade) Judge taj.

Criminal Revision No.411/2006 03.09.2014:

None for the applicant.

Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Office is directed to issue bailable warrant of arrest in the sum of Rs.10,000/□ against the applicant □ Sheikh Naseer to secure his presence before this Court on the next date of hearing.

Case be listed on 12.11.2014 for appearance of the aforesaid applicant.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.4254/2011 03.09.2014:

None for the applicants.

Shri K.S. Patel, Panel Lawyer for the respondent□State.

This application has been filed by the applicant under Section 482 of Cr.P.C. being aggrieved by the order dated 19.08.2010, passed in Criminal Revision NO.164/2010, by the learned Second Additional Sessions Judge (Fast Track Court), Mouganj, District Rewa.

Since no one appears on behalf of the applicants, it seems that with the passage of time, the applicants have lost interest in prosecuting the case.

Accordingly, this application under Section 482, Cr.P.C. is hereby dismissed for want of prosecution. However, the applicant is extended a liberty to file appropriate application for recalling of this order on admissible ground.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.4879/2011 03.09.2014:

None for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent□State.

This application has been filed by the applicant under Section 482 of Cr.P.C. for quashing of the FIR registered against the applicant at Police Station T.T. Nagar, Bhopal, under Crime No.907/2010 and also the Criminal Case No.14084/2010, pending in the Court of Chief Judicial Magistrate, Bhopal.

Since no one appears on behalf of the applicant, it seems that with the passage of time, the applicant has lost interest in prosecuting the case.

Accordingly, this application under Section 482, Cr.P.C. is hereby dismissed for want of prosecution. However, the applicant is extended a liberty to file appropriate application for recalling of this order on admissible ground.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.5912/2011 03.09.2014:

Shri Naveen Thakur, Advocate for the applicant.
Shri K.S. Patel, Panel Lawyer for the respondent no.1□State.

As prayed by the learned counsel for the applicant, list this case after one month under the same head as per convenience of the Registry.

(Subhash Kakade) Judge taj.

Criminal Revision No.412/2006 18.02.2014:

None for the applicants.

Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Further proceedings of Misc. Criminal Case No.49/2004, pending in the Court of Special Judge, Damoh were not stayed. In such premises the report be called for from the learned Court below regarding latest position of the pendency of the said Misc. Criminal Case.

Office is directed to list this case on 09.10.2014.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.23019/2010 03.09.2014:

None for the applicant.

As no one present on behalf of the applicant, the case is adjourned.

List this case after two months under the same head as per convenience of the Registry.

(Subhash Kakade) Judge taj.

Criminal Revision No.119/2011 03.09.2014:

Shri V. P. Kushwaha, Advocate for the applicants. Shri K.S. Patel, Panel Lawyer for the respondent□State. Learned counsel for the applicants prays for withdrawal of this revision and this revision has now become infructuous.

Accordingly, the revision stands dismissed as having been rendered infructuous.

(Subhash Kakade) V. Judge taj.

Criminal Revision No.151/2011 03.09.2014:

None for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent □ State.
As no one present on behalf of the applicant, the case is adjourned.

List this case after two months under the same head
as per convenience of the Registry.

(Subhash Kakade) Judge taj.

Criminal Revision No.161/2011 03.09.2014:

None for the applicants.

Shri K.S. Patel, Panel Lawyer for the respondent □ State. Learned Panel Lawyer will
a p p r i s e t h e C o u r t o n t h e
next date of hearing as to whether the applicant has served the awarded sentence.

Let a typed copy of this order be given to the Office of
the Advocate General for information and compliance.

(Subhash Kakade) Judge taj.

Criminal Revision No.301/2011 03.09.2014:

None for the applicant.

As no one present on behalf of the applicant, the case is adjourned.

List this case after two months under the same head
as per convenience of the Registry.

(Subhash Kakade) Judge taj.

Criminal Revision No.890/2011 03.09.2014:

None for the applicants.

Shri K.S. Patel, Panel Lawyer for the respondent □ State.
Following order was passed on 11.07.2014: □ "The applicants are directed to submit
c u r r e n t s t a t u s r e p o r t o f t h e c a s e b y f i l i n g
t h e c e r t i f i e d c o p y o f t h e l a t e s t o r d e r □ s h e e t o f
t h e c a s e w i t h i n t w o w e e k s , f a i l i n g w h i c h t h i s
c r i m i n a l r e v i s i o n s h a l l b e d i s m i s s e d b e c a u s e
it has been pending since 2011 without any progress."

Since no one appears on behalf of the applicants, it seems that with the passage of time, the applicant has lost interest in prosecuting the case.

This revision is dismissed in default for non compliance of the order dated 11.07.2014.

(Subhash Kakade) Judge taj.

Criminal Revision No.1837/2010 03.09.2014:

None for the applicant.

List this case along with Criminal Revision No.1879/2010.

(Subhash Kakade) Judge taj.

Criminal Revision No.2031/2010 03.09.2014:

None for the applicants.

As no one present on behalf of the applicants, the case is adjourned.

List this case after one months as per convenience of the Registry.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.2983/2010 03.09.2014:

Shri Ashok Kumar Gupta, Advocate for the applicant.
Shri Ajay Ojha, Advocate for the respondent.
As prayed by the learned counsel for the applicant, list this case after one month as per convenience of the Registry.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.4168/2010 03.09.2014:

Shri R.P. Tiwari, Government Advocate for the applicant State.

As prayed by the learned counsel for the applicant, list this case after one month.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.5070/2010 03.09.2014:

S h r i M u k e s h P a n d e y , A d v o c a t e f o r t h e a p p l i c a n t .
Heard on the question of admission. Issue show cause notice against admission
to the respondents on payment of process fee within a week both
by ordinary as well as registered A/D post.

Notice be made returnable within four weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.5619/2010 03.09.2014:

S h r i A n u r a g R a t h o r e , A d v o c a t e f o r t h e a p p l i c a n t .
Issue fresh notice against admission to the respondent
on payment of process fee within a week both by ordinary as
well as registered A/D post.

N o t i c e b e m a d e r e t u r n a b l e w i t h i n f o u r w e e k s .
Record of the Court below be also called for. List thereafter.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9601/2010 03.09.2014:

Shri Ashish Singh Parihar, Advocate for the applicant. Shri K.S. Patel, Panel
Lawyer for the respondent□State.

As prayed by the learned counsel for the applicant, list this case after one month.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9996/2010 03.09.2014:

S h r i K . S . P a t e l , P a n e l L a w y e r f o r t h e a p p l i c a n t □ S t a t e .
Let the record of the trial Court be called for.
List this case under the same head thereafter in the
week commencing 10th November, 2014.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10882/2010 03.09.2014:

Shri K.S. Patel, Panel Lawyer for the applicant □ State.
Let the record of the trial Court be called for.
List this case under the same head thereafter in the
week commencing 10th November, 2014.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13431/2014 03.09.2014:

Shri Ajay Kumar Jain, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent □ State.

Heard on admission.

Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

This is the first bail application filed by the applicant
under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody in connection with Crime No.158/2014, registered at
Police Station Kotwali, District
Tikamgarh, for the offences punishable under Sections 363 and 342/34 of IPC.

Learned counsel for the applicant submits that applicant has been falsely
implicated in the case. It is
further submitted by the learned counsel for the applicant that applicant was
suffering from viral fever, therefore, he
could not remain present before the learned trial Court on
25.07.2014. He undertakes to appear on all the date as may
be given by the trial Court. In view of the aforesaid, prayer is
made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State has opposed the application for grant of bail.

Looking to the facts and circumstances of the case, without expressing any view on
merits of the case and considering the averments made by learned counsel for the
parties, the application under Section 439 of Cr.P.C. may be
accepted. Consequently, it is hereby allowed.

It is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.25,000/□ (Rupees Twenty Five Thousand only) with one solvent surety in the like amount to the satisfaction of the Committal Court/trial Court to appear before the concerned Court on the dates given by the concerned Court during trial.

C.C. as per rules.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11589/2014 03.09.2014:

None for the applicant.

Shri R.P. Tiwari, Government Advocate for the respondent□State.

Case diary is available.

List this case after three weeks. Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10703/2014 03.09.2014:

Shri M. Shafiqullah, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent□State.

Case diary is available.

As prayed by the learned counsel for the applicant, list this case after three weeks.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12391/2014 03.09.2014:

None for the applicant.

Shri R.P. Tiwari, Government Advocate for the respondent□State.

Case diary is available.

List this case after three weeks. Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13489/2014 03.09.2014:

Shri G.S. Baghel, Advocate for the applicants. Shri R.P. Tiwari, Government Advocate for the respondent□State.

Case diary is not available.

It be positively made available on the next date of hearing.

List the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13186/2014 03.09.2014:

Shri Raman Patel, Advocate for the applicant. Shri R.P. Tiwari, Government Advocate for the respondent□State.

Case diary is not available.

It be positively made available on the next date of hearing.

List the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11944/2014 03.09.2014:

None for the applicants.

Shri R.P. Tiwari, Government Advocate for the respondent□State.

Case diary is available.

List this case after four weeks. Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13489/2014 03.09.2014:

Shri G.S. Baghel, Advocate for the applicants. Shri R.P. Tiwari, Government Advocate for the respondent□State.

Case diary is not available.

It be positively made available on the next date of hearing.

List the next week.

(Subhash Kakade) Judge taj.

Criminal Revision No.1761/2014 .09.2014:

S h r i A n u r a g G o h i l , A d v o c a t e f o r t h e a p p l i c a n t .
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Heard on admission.

Admit.

R e c o r d o f t h e C o u r t s b e l o w b e c a l l e d f o r .
Also heard on I.A. No.16655/2014, an application for
suspension of sentence and grant of bail to applicant.

T h e a p p l i c a n t h a s b e e n c o n v i c t e d u n d e r S e c t i o n 3 2 6 o f
IPC and sentenced to undergo rigorous imprisonment for 5
years and fine of Rs.5,000/□ with default stipulation.

Learned counsel for the applicant submits that the applicant has been
falsely implicated in the matter. The applicant was on bail during trial
and never misused the liberty granted to him. He further submits that there is no
likelihood of coming up of this revision for final hearing in near future.

Learned Panel Lawyer for the State opposed the prayer for bail.

O n d u e c o n s i d e r a t i o n o f t h e f a c t s a n d c i r c u m s t a n c e s
of the case and the nature of allegation, this application is
allowed. Execution of jail sentence of the applicant□Prakash Palandi is
suspended. He is directed to be enlarged on bail on
furnishing a personal bond in the sum of Rs.25,000/□
(Rupees Twenty Five Thousand Only) and a surety bond in the like amount to
t h e s a t i s f a c t i o n o f t r i a l C o u r t f o r h i s
appearance before the Registry of this Court on 15th April, 2015 and on such
other dates as may be fixed by the Registry in this regard.

It is made clear that the sentence of fine is not suspended.

List this case for final hearing in due course. C.C. as per rules.

(SUBHASH KAKADE)

JUDGE taj/□

Criminal Revision No.1812/2014

.09.2014:

S h r i A m i t D u b e y , A d v o c a t e f o r t h e a p p l i c a n t .
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Heard on admission.

Admit.

R e c o r d o f t h e C o u r t s b e l o w b e c a l l e d f o r .
Also heard on I.A. No.17081/2014, an application for
suspension of sentence and grant of bail to applicant.

The applicant has been convicted under Section 325 of
IPC and sentenced to undergo rigorous imprisonment for 6
months and fine of Rs.500/□ with default stipulation.

Learned counsel for the applicant submits that the applicant has been
falsely implicated in the matter. The applicant was on bail during trial
and never misused the liberty granted to him. He further submits that there is no
likelihood of coming up of this revision for final hearing in near future.

Learned Panel Lawyer for the State opposed the prayer for bail.

O n d u e c o n s i d e r a t i o n o f t h e f a c t s a n d c i r c u m s t a n c e s
of the case and the nature of allegation, this application is allowed. Execution of
jail sentence of the applicant□Nandkirhore Gond is suspended. He is
directed to be enlarged on bail on furnishing a personal bond in the sum
of Rs.25,000/□ (Rupees Twenty Five Thousand Only) and
a surety bond in the like amount to the satisfaction of trial
Court for his appearance before the Registry of this Court on
15th April, 2015 and on such other dates as may be fixed by
the Registry in this regard.

It is made clear that the sentence of fine is not suspended.

List this case for final hearing in due course. C.C. as per rules.

(SUBHASH KAKADE)

JUDGE taj/□

Criminal Revision No.467/2008 03.09.2014:

Shri Manoj Soni, Advocate for the applicant. Applicant is also personally present and is duly identified by his counsel.

Shri Luvkush Mishra, Advocate for the respondent no.1.

Shri D.K. Parouha, Panel Lawyer for the respondent no.2.

In compliance of earlier order the respondent no.1 is not present today to verify the compromise before the Registrar (Judicial).

Learned counsel for the respondent prays for and is granted time to keep the respondent present for verification of compromise before the Registrar (Judicial).

List this case on 26.11.2014.

(Subhash Kakade) Judge taj.

Criminal Revision No.2036/2012 02.09.2014:

Shri Jitendra Singh Parihar, Advocate for the applicants.

Shri K.S. Patel, Panel Lawyer for the respondent □ State. Heard on I.A. No.11785/2014, which is an application for taking documents on record.

For the reasons stated in the application, the same is allowed. The documents be taken on record.

List the case after one month under the same head.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.5472/2012 02.09.2014:

Shri M. Aadil Usmani, Advocate for the applicants. Learned counsel for the applicants is directed to file the order □ sheet of the learned trial Court to apprise this Court the latest position of the trial.

List this case in the next week under the same head.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.5894/2012 02.09.2014:

Shri Pratap Narayan Mishra, Advocate for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent □ State.
Learned counsel for the applicant is directed to file the order □
sheet of the learned trial Court to apprise this Court the latest position of the trial.

List this case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11426/2012 02.09.2014:

Shri Chandrahas Dubey, Advocate for the applicant.
Issue fresh notice against admission to the respondent
on payment of process fee within a week both by ordinary as
well as registered A/D post.

Notice be made returnable within four weeks.

(Subhash Kakade) Judge taj.

Criminal Revision No.1894/2010 02.09.2014:

None for the applicants.

Shri K.S. Patel, Panel Lawyer for the respondent □ State.
Office is directed to call the latest report of Sessions Trial No.458/2008, pending
in the Court of the learned Sixth Additional Sessions Judge, Jabalpur.

List the case on 07.10.2014.

(Subhash Kakade) Judge taj.

Criminal Revision No.1378/2011 02.09.2014:

None for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent □ State.
Office is directed to call the latest report of Sessions
Trial No.63/2011, pending in the Court of the learned Third

Additional Sessions Judge (Fast Track), Sidhi.

List the case on 07.10.2014.

(Subhash Kakade) Judge taj.

Criminal Revision No.1516/2011 02.09.2014:

None for the applicant.

Shri S.K. Kashyap, Government Advocate for the respondent State.

List this case under the same heard after one month as per convenience of the Registry.

(Subhash Kakade) Judge taj.

Criminal Revision No.1819/2011 02.09.2014:

None for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent State. Office is directed to issue bailable warrant of arrest in the sum of Rs.5,000/- against the applicant Raees Khan to secure his presence before this Court on the next date of hearing.

Case be listed on 28.11.2014 for appearance of the aforesaid applicant.

Registrar (Judicial) is requested to issue appropriate direction to the office to prepare a chart of custody period of the applicant from the initial date of his arrest.

(Subhash Kakade) Judge taj.

Criminal Revision No.2213/2011 02.09.2014:

None for the applicant.

None for the respondent no.1. Shri K.S. Patel, Panel Lawyer for the respondent no.2 State.

List this case under the same heard after one month.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9351/2011 02.09.2014:

Shri K.S. Patel, Panel Lawyer for the applicant □ State.
As prayed by the learned counsel for the applicant, list this case after one month.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.10906/2011 02.09.2014:

None for the applicant.

Shri H.K. Upadhyaya, Advocate for the respondent no.1.

Shri K.S. Patel, Panel Lawyer for the respondent no.2 □ State.

Since no one is present on behalf of the applicant, the case is adjourned.

List the case after one month under the same head as
per convenience of the Registry.

(Subhash Kakade) Judge taj.

Criminal Revision No.739/2006 02.09.2014:

None for the parties.

Since no one is present on behalf of the parties, the case is adjourned.

List in the week commencing 17th November, 2014.
as per convenience of the Registry.

(Subhash Kakade) Judge taj.

Criminal Revision No.779/2006 02.09.2014:

None for the parties.

Since no one is present on behalf of the parties, the case is adjourned.

List in the week commencing 17th November, 2014.
as per convenience of the Registry.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9666/2014 02.09.2014:

Shri Pradeep Sharma, Advocate for the applicants. Shri D.K. Parouha, Panel Lawyer for the respondent no.1□State.

In compliance of the earlier order notice against the respondent no.2 Smt. Rashmi Bai Jatav, is duly served but no body is present on her behalf.

Case diary is also not available. It be positively called for on the next date of hearing. List the case in the next week under the same head as per convenience of the Registry.

(Subhash Kakade) Judge taj.

02.09.2014:

Shri Vinod Tiwari, Advocate for the appellant. Shri D.K. Parouha, Panel Lawyer for the respondent□State.

As prayed by the learned counsel for the appellant, list this case in the next week.

(Subhash Kakade) Judge taj.

02.09.2014:

Shri D.K. Parouha, Panel Lawyer for the appellant□State.

Shri D.S. Baghel, Advocate for the respondents and is also appearing for Surety.

Surety Purshottam Pandey, who is father of respondent no.3 Awdhesh Pandey is present in person and is duly identified by this Counsel.

Learned counsel for the respondents prays for and is granted four weeks time to produce the respondent no.3 Awadhesh Pandey before this Court.

List the case on 14.10.2014 for appearance of the said respondent.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11877/2014 02.09.2014:

Shri Ashish Kurmi, Advocate for the applicant.
Shri K.S. Patel, Panel Lawyer for the respondent State.
Heard on the question of admission. Admit.

Case diary is available.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody in connection with Crime No.33/2014, registered at Police Station Chanbila Tahsil Banda, District Sagar, for the offences punishable under Sections 376 of IPC and Section 3/4 of Protection of Children From Sexual Offences Act, 2012.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that the applicant is a young person of 24 years and is in custody since 25.05.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State vehemently opposes the application on the ground that the prosecutrix is merely aged about 13 years, which is evident from the record of the school, hence, prays for dismissal of this application.

Detailed examination of evidence and elaborate documentation of merits is not desirable and should be avoided while passing orders on bail applications. What is necessary is the satisfaction about prima facie case and not an exhaustive exploration of merits in the order itself. It is the duty of the parties as well as the Court to see that at the stage of deciding bail application, the Court is not dragged into minutest details and in an arena of conjectures of hypotheses.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of the case the evidence collected by the prosecution there is indication prima facie that the applicant is alleged to have committed a heinous crime. Looking to the nature and gravity of the accusation, this is not a fit case for grant bail to the applicant. Consequently, his application under Section 439 of the Cr.P.C. is hereby rejected.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11944/2014 02.09.2014:

S h r i P r a m o d T h a k r e , A d v o c a t e f o r t h e a p p l i c a n t .
Shri K.S. Patel, Panel Lawyer for the respondent State. Case diary is available.

As prayed by the learned counsel for the applicant, list this case in the next week.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12016/2014 02.09.2014:

None for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent State. Case diary is available.

List this case after three weeks. Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12149/2014 02.09.2014:

S h r i P . S . G a h a r w a r , A d v o c a t e f o r t h e a p p l i c a n t .
Shri K.S. Patel, Panel Lawyer for the respondent State. Case diary is available.

As prayed by the learned counsel for the applicant, list this case after three weeks.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12312/2014 02.09.2014:

S h r i V i v e k S h u k l a , A d v o c a t e f o r t h e a p p l i c a n t .
Shri K.S. Patel, Panel Lawyer for the respondent State. Learned counsel for the
a p p l i c a n t p r a y s f o r a n d i s
granted a week's time to file the statement of prosecutrix.

List this case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12324/2014 02.09.2014:

Shri Ramesh Tamrakar, Advocate for the applicant.
Shri K.S. Patel, Panel Lawyer for the respondent State. Heard on admission.

Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody in connection with Crime No.448/2014, registered at Police Station Moti Nagar, District Sagar, for the offences punishable under Sections 307, 353 and 186/34 of IPC and Section 25/27 of Arms Act.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that was only present on the spot but not participated the incident. No seizure has been made against him. The applicant is a young person of 29 years and is in custody since 31.07.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State has opposed the application for grant of bail.

Looking to the facts and circumstances of the case, without expressing any view on merits of the case and considering the averments made by learned counsel for the parties, the application under Section 439 of Cr.P.C. may be accepted. Consequently, it is hereby allowed.

It is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs. 25,000 / - (Rupees Twenty Five Thousand only) with one solvent surety in the like amount to the satisfaction of the Committal Court/trial Court to appear before the concerned Court on the dates given by the concerned Court during trial.

C.C. as per rules.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12367/2014 02.09.2014:

Shri Sourabh Singh Thakur, Advocate for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent State. Case diary is not available.

It be positively called for on the next date of hearing. List this case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12411/2014 02.09.2014:

Shri K.B. Vishwakarma, Advocate for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent State. Case diary is not available.

It be positively called for on the next date of hearing. List this case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12484/2014 02.09.2014:

Shri P.S. Chouhan, Advocate for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent State. Heard on admission.

Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody in connection with Crime No.421/2014, registered at Police Station Sarni, District Betul, for the offences punishable under Sections 363, 366 (A) and 376 of IPC and Section 4 of the Protection of Children From Sexual Offences Act, 2012.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that the applicant is a young person of 20 years and is in custody since 12.07.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State has opposed the application for grant of bail.

Looking to the facts and circumstances of the case, without expressing any view on merits of the case and considering the averments made by learned counsel for the parties, the application under Section 439 of Cr.P.C. may be accepted. Consequently, it is hereby allowed.

It is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) with one solvent surety in the like amount to the satisfaction of the Committal Court/trial Court to appear before the concerned Court on the dates given by the concerned Court during trial.

C.C. as per rules.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12698/2014 02.09.2014:

Shri Sanjay Patel, Advocate for the applicants.
Shri K.S. Patel, Panel Lawyer for the respondent State. Case diary is not available.

It be positively called for on the next date of hearing. List this case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12657/2014 02.09.2014:

Shri K.C. Ghildiyal, Advocate for the applicant.
Shri K.S. Patel, Panel Lawyer for the respondent State. Office is directed to list the case with the record of Misc. Criminal Case No.12502/2014 before appropriate Bench today itself.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12797/2014 02.09.2014:

Shri Amit Kumar Garg, Advocate for the applicant.
Shri K.S. Patel, Panel Lawyer for the respondent State. Case diary is available.

As prayed by the learned counsel for the applicant, list this case after two weeks.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12834/2014 02.09.2014:

S h r i K . S . R a j p u t , A d v o c a t e f o r t h e a p p l i c a n t .
Shri K.S. Patel, Panel Lawyer for the respondent State. Heard on admission.

Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody in connection with Crime No.102/2014, registered at Police Station Jawar, District Khandwa, for the offences punishable under Sections 450, 376 and 506 of IPC.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that there is a land as regards the partition of the land. There is also a delay in lodging the FIR. It is further submitted that the applicant is in custody since 24.06.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State has opposed the application for grant of bail.

Looking to the facts and circumstances of the case, without expressing any view on merits of the case and considering the averments made by learned counsel for the parties, the application under Section 439 of Cr.P.C. may be accepted. Consequently, it is hereby allowed.

It is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs. 30,000 / □ (Rupees Thirty Thousand only) with one solvent surety in the like amount to the satisfaction of the Committal Court/trial Court to appear before the concerned Court on the dates given by the concerned Court during trial.

C.C. as per rules.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12869/2014 02.09.2014:

Shri Arubendra Singh Parihar, Advocate for the applicant.

Shri K.S. Patel, Panel Lawyer for the respondent State. Case diary is available.

As prayed by the learned counsel for the applicant, list this case after one month.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12106/2014 01.09.2014:

Shri Ravish Kumar Bhola, brother of the applicant Rajkumar Bhola is present in person.

None for the respondent.

Case diary be positively made available on the next date of hearing.

List the case on 03.09.2014.

(Subhash Kakade) Judge taj.

Criminal Appeal No.2522/2013 01.09.2014:

None for the parties as the Advocates are abstaining from work.

List the case under the same head as per convenience of the office in the week commencing 08.09.2014.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11732/2014 01.09.2014:

None for the parties as the Advocates are abstaining from work.

In compliance of earlier order dated 13.08.2014 Shri N.K. Nahar, DSP, AJAK, Bhopal is present in person with case diary.

It is submitted by Shri Nahar that applicant M. Idrish @ Iddi was arrested by the Police on 21.08.2014 and he was enlarged on bail by the learned Special Judge, Atrocities, District Bhopal on 22.08.2014, copy of order granting bail is with the case diary.

In the above facts and circumstances of the case, list the case on 04.09.2014.

(Subhash Kakade) Judge taj.

Criminal Revision No.563/1998 01.09.2014:

None for the parties as the Advocates are abstaining from work.

Bailable warrant issued in compliance of earlier order dated 25.06.2014 is awaited.

List the case under the same head as per convenience of the Office.

(Subhash Kakade) Judge taj.

Criminal Revision No.1079/1999 01.09.2014:

None for the parties as the Advocates are abstaining from work.

Office is directed to issue bailable warrant of arrest in the sum of Rs.5,000/□ against the applicant□Rewa Ram to secure his presence before this Court on the next date of hearing.

Case be listed on 27.10.2014 for appearance of the aforesaid applicant.

Registrar (Judicial□I) is requested to issue appropriate direction to the office to prepare a chart of custody period of the applicant from the initial date of his arrest.

(Subhash Kakade) Judge taj.

Criminal Revision No.1424/2004 01.09.2014:

None for the parties as the Advocates are abstaining from work.

List the case under the same head on 25.09.2014.

(Subhash Kakade) Judge taj.

Criminal Revision No.1383/2005 27.08.2014:

None for the parties.

This revision under Section 397/401 of Cr.P.C. has been filed against the order dated 27.06.2005, passed by the learned Second Additional Sessions Judge, Satna, in Criminal Revision No.04/2004, reversing the order dated 16.12.2003, passed in MJC No.119/2003, by the learned Judicial Magistrate First Class, Satna awarded maintenance to the tune of Rs.500/- per month to the respondent.

This revision is of the year 2005. One earlier occasion also no one appeared on behalf of the applicant, it seems that with the passage of time, the applicant has lost interest in prosecuting the case. Hence, this application deserves to be dismissed in default.

Memo of revision, order under challenge perused with the records.

Learned Revisional Court rightly held, after appreciation of evidence that the respondent is legally wedded wife of applicant. The Learned Revisional Court rightly found that the applicant deserted his wife without any reasonable cause.

It is the obligation of the husband to maintain wife, father to maintain children and son to maintain parents. It will, therefore, be for him to show that he has no sufficient means to discharge his obligation: Rajathi vs. C. Ganesan (1999) 6 SCC 326. Means does not signify only visible means, such as real property or definite employment:

Basanta vs. Sarat 1982 CrLJ 485. An able-bodied person has sufficient means: Kandaswami vs. Angammal AIR 1960 Mad 348: 1960 CrLJ 1098.

In this legal position learned Revisional Court rightly held that the applicant also having sufficient means of income to pay maintenance and, therefore, rightly awarded the maintenance amount.

Hence, on the merits also, this revision under Section 397/401 of Cr.P.C. deserves to be dismissed.

Accordingly, the revision stands dismissed. A copy of this order be sent to the Court below with record.

(Subhash Kakade) Judge ak+ taj.

Criminal Revision No.1467/2005 27.08.2014:

None for the parties.

This revision under Section 397/401 of Cr.P.C. has been filed against the order dated 26.07.2005, passed by the learned First Additional Sessions Judge, Panna, in Criminal Revision No.17/2005, reversing the order dated 27.11.2004, passed in Criminal Case No.123/2003, by the learned Judicial Magistrate First Class, Ajaygarh, District Panna awarded maintenance to the tune of Rs.500/- per months to the respondent.

This revision is of the year 2006. On an earlier occasion also no one appeared on behalf of the applicant, it seems that with the passage of time, the applicant has lost interest in prosecuting the case. Hence, this application deserves to be dismissed in default.

Memo of revision, order under challenge perused with the records.

Learned Revisional Court rightly held, after appreciation of evidence that the respondent is legally wedded wife of applicant. The Learned Revisional Court rightly found that the applicant deserted his wife without any reasonable cause.

It is the obligation of the husband to maintain wife, father to maintain children and son to maintain parents. It will, therefore, be for him to show that he has no sufficient means to discharge his obligation: *Rajathi vs. C. Ganesan* (1999) 6 SCC 326. Means does not signify only visible means, such as real property or definite employment:

Basanta vs. Sarat 1982 CrLJ 485. An able-bodied person has sufficient means: *Kandaswami vs. Angammal* AIR 1960 Mad 348: 1960 CrLJ 1098.

In this legal position learned Revisional Court rightly held that the applicant also having sufficient means of income to pay maintenance and, therefore, rightly awarded the maintenance amount.

Hence, on the merits also, this revision under Section 397/401 of Cr.P.C. deserves to be dismissed.

Accordingly, the revision stands dismissed. A copy of this order be sent to the Court below with record.

(Subhash Kakade) Judge ak+ taj.

Criminal Appeal No.1866/1999 27.08.2014:

None for the appellant.

Shri Santosh Yadav, Panel Lawyer for the respondent□State.

It is submitted by the learned Panel Lawyer that as per the PUD dated 16.07.2014 of the Chief Judicial Magistrate, Chhatarpur the sole appellant Udaibhansingh, son of Veersingh Parihar has died. His death certificate has also been attached with the said report.

In view of the aforesaid, the appeal stands abated and is accordingly dismissed.

(Subhash Kakade) Judge taj.

27.08.2014:

M s . M a n j u K h a t r i , A d v o c a t e f o r t h e a p p e l l a n t .
Shri Santosh Yadav, Panel Lawyer for the respondent□State.

H e a r d o n I . A . N o . 1 5 3 7 0 / 2 0 1 4 , a n a p p l i c a t i o n s e e k i n g
permission to release the appellant on his personal bond as
he has been directed to be released on bail on his furnishing a personal bond in
t h e s u m o f R s . 1 0 , 0 0 0 / □ a n d a s u r e t y
bond in the like amount to the satisfaction of the trial Court
vide order dated 24.06.2014.

For the reasons stated in the application, the same is allowed.

Now the appellant is directed to be released on his furnishing a personal
bond as directed vide order dated 24.06.2014, and after his date of
release within three months he shall manage to furnish surety to the satisfaction
of the learned trial Court.

This order shall be read in continuation with the order dated 24.06.2014.

Copy of this order be also sent to the trial Court for compliance.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11398/2014 27.08.2014:

S h r i P u s h p e n d r a D u b e y , A d v o c a t e f o r t h e a p p l i c a n t .
Shri Santosh Yadav, Panel Lawyer for the respondent□State.

Case diary is available.

As prayed by the learned counsel for the applicant, list this case after three weeks.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12992/2014 27.08.2014:

S h r i P u s h p e n d r a D u b e y , A d v o c a t e f o r t h e a p p l i c a n t .
Shri Santosh Yadav, Panel Lawyer for the respondent□State.

Case diary is available.

As prayed by the learned counsel for the applicant, list this case in the next week.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11730/2014 27.08.2014:

None for the applicant.

Shri Santosh Yadav, Panel Lawyer for the respondent□State.

Case diary is available.

In the absence of learned counsel for the applicant, the case is adjourned.

List after three weeks.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11778/2014 27.08.2014:

S h r i V i n o d K u m a r D u b e y , A d v o c a t e f o r t h e a p p l i c a n t .
Shri Santosh Yadav, Panel Lawyer for the respondent□State.

Case diary is available.

As prayed by the learned counsel for the applicant, list this case after three weeks.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11854/2014 27.08.2014:

None for the applicant.

Shri Umesh Pandey, Government Advocate for the respondent□State.

Case diary is available.

In the absence of learned counsel for the applicant, the case is adjourned.

List after four weeks.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12845/2014 27.08.2014:

Shri Sanjay Kumar Tiwari, Advocate for the applicant.
Shri Santosh Yadav, Panel Lawyer for the respondent□State.

Heard on the question of admission. Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

The applicant has an apprehension of his arrest in connection with Crime No.198/2014, registered at Police Station Bhalumada, District Anuppur, for the offences punishable under Sections 452 and 354 (a) (d) of IPC.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case on account of some dispute regarding payment of newspaper due on the prosecutrix. The applicant is ready to cooperate in the investigation and trial. The applicant is a reputed citizen of the locality, having no past criminal antecedents, in the event of arrest, his reputation will be tarnished, therefore, he be released on anticipatory bail.

On the other hand, learned Panel Lawyer for the State opposes the application.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of the case, without expressing any view on the merits of the case, I am of the view that this is a fit case for grant of anticipatory bail to the applicant. Consequently, his application under Section 438 of the Cr.P.C. is hereby allowed.

It is directed that in the event of arrest, present applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- (Rupees twenty thousand) with a solvent surety in the like amount to the satisfaction of the Arresting Police Officer.

The applicant shall make himself available for interrogation by a police officer as and when required. He shall further abide by the other conditions enumerated in sub-Section (2) of Section 438 of Cr.P.C.

Certified copy as per rules.s (Subhash Kakade) Judge taj.

Misc. Criminal Case No.12473/2014 27.08.2014:

Shri Sharad Verma, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent-State.

Case diary is available.

As prayed by the learned counsel for the applicant, list this case after a week.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12966/2014 27.08.2014:

Shri Abhinav Dubey, Advocate for the applicant. Shri Santosh Yadav, Panel Lawyer for the respondent-State.

Case diary is available.

As prayed by the learned counsel for the applicant, list this case in the next week.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12993/2014 27.08.2014:

S h r i H e m a n t S e n , A d v o c a t e f o r t h e a p p l i c a n t .
Shri Santosh Yadav, Panel Lawyer for the respondent□State.

As prayed by the learned counsel for the applicant, list this case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12721/2014 26.08.2014:

S h r i S a n j a y K . A g a r w a l , A d v o c a t e f o r t h e a p p l i c a n t .
Shri Santosh Yadav, Panel Lawyer for the respondent□State.

S h r i M a n i s h D a t t , S e n i o r A d v o c a t e a s s i s t e d b y S h r i
Pushpendra Dubey, Advocate for the objector.

As prayed by the learned counsel for the applicant, list this case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.13033/2014 27.08.2014:

S h r i R a j e e v M i s h r a , A d v o c a t e f o r t h e a p p l i c a n t .
Shri Santosh Yadav, Panel Lawyer for the respondent□State.

Office to verify and list the case with the record of Misc. Criminal Case
No.8789/2014 before appropriate Bench.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.8221/2014 27.08.2014:

S h r i M a n i s h T i w a r i , A d v o c a t e f o r t h e a p p l i c a n t .
Shri Santosh Yadav, Panel Lawyer for the respondent□State.

Case diary is not available.

It be positively called for on the next date of hearing. List this case on 01.09.2014.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12992/2014 27.08.2014:

None for the applicants.

Shri Santosh Yadav, Panel Lawyer for the respondent□State.

Case diary is available.

In the absence of learned counsel for the applicants, this application is hereby dismissed for want of prosecution.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.8482/2014 27.08.2014:

Shri A. Usmani, Advocate for the applicant.
Shri Santosh Yadav, Panel Lawyer for the respondent□State.

Heard on admission.

Admit.

Case diary is available.

With the consent of the parties, case is heard finally. This is first bail application on behalf of the applicant under Section 439 of Cr.P.C. The applicant is in custody in connection with Crime No.71/2014, registered at Police Station Madan Mahal, Jabalpur (M.P.), for the offences punishable under Sections 364□A, 302, 201, 114 and 120□B of IPC.

It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the case. It is further submitted that the investigation has already been completed and challan has already been filed. The applicant is a young person of 19 years, having no criminal past. He is in custody since 14.02.2014 and conclusion of trial would take considerable time. On the aforesaid grounds, it is prayed that the applicant be released on bail.

Learned Panel Lawyer for the State vehemently opposed the application on the ground that from the possession of the applicant one Desi Katta, five live cartridges, one iron cutter and one Mobile has been recovered at his instance, hence, prays for rejection of this bail application.

The basic principles laid down as well as observed disciplinary guidance by the Apex Court in catena of cases that the Court should avoid elaborate documentation of merits while dealing with an application for bail. While dealing with an application under section 439 of Cr.P.C. the Court cannot go into the details of the evidence to find out whether the evidence will be sufficient in establishing the guilt of the accused as it is not a relevant consideration at this stage to ascertain the probability or improbability of the prosecution case terminating in the conviction of the accused or not. Detailed examination of evidence and elaborate documentation of merits is not desirable and should be avoided while passing orders on bail applications. What is necessary is the satisfaction about prima facie case and not an exhaustive exploration of merits in the order itself. It is the duty of the parties as well as the Court to see that at the stage of deciding bail application, the Court is not dragged into minutest details and in an arena of conjectures of hypotheses.

At the stage of considering bail matters it would not be proper for the High Court to express any opinion on the merits or demerits of the prosecution case as well as the defence as any expression of opinion by the High Court would undoubtedly affect the trial.

(i) Niranjana Singh vs. Prabhakar Rajaram Kharote AIR 1980 SC 785.

(ii) Gobarbhai Naranbhai Singala vs. State of Gujarat AIR 2008 SC 1134.

(iii) Narayan Ghosh vs. State of Orissa AIR 2008 SC 1159.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of the case the evidence collected by the prosecution there is indication prima facie that the applicant is alleged to have committed a heinous crime. Looking to the nature and gravity of the accusation, this is not a fit case for grant of bail to the applicant. Consequently, his application under Section 439 of the Cr.P.C. is hereby rejected.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9142/2014 27.08.2014:

None for the applicant.

Shri Santosh Yadav, Panel Lawyer for the respondent□State.

Case diary is available.

As none appears on behalf of the applicant, the case is adjourned.

List this case after four weeks. Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9395/2014 27.08.2014:

S h r i M . S h a f i q u l l a h , A d v o c a t e f o r t h e a p p l i c a n t .
Shri Santosh Yadav, Panel Lawyer for the respondent□State.

Case diary is available.

As prayed by the learned counsel for the applicant, list this case after four weeks.

Case diary be also made available on the said date.

(Subhash Kakade) Judge taj.

Criminal Appeal No.1208/2010 26.08.2014:

S h r i D . K . S h a r m a , A d v o c a t e f o r t h e a p p e l l a n t .
Shri Santosh Yadav, Panel Lawyer for the respondent□State.

As per the PUD of the Deputy Superintendent, Central Jail, Bhopal, dated 27th June, 2014 the appellant □ S a n n u Setting @ Jafar, Son of Babu Khan, who has been convicted under Section 307 of IPC and sentenced to undergo 7 years rigorous imprisonment and fine of Rs. 5,000 / □, has been released from jail on 20.03.2014 as he has already suffered the awarded jail sentence after including the period of remission.

In view of the aforesaid, this appeal has now become infructuous.

Accordingly, the appeal stands dismissed as having been rendered infructuous.

(Subhash Kakade) Judge taj.

Criminal Revision No.1631/2014 26.08.2014:

Shri Satyendra Prasad Dubey, Advocate for the applicant.

Shri Santosh Yadav, Panel Lawyer for the respondent□State.

Heard on admission.

Admit.

Record of the Courts below be called for. Also heard on I.A. No.15524/2014, an application for suspension of sentence and grant of bail to applicant.

The applicant has been convicted under Section 304 A of IPC and sentenced to undergo rigorous imprisonment for 1 year and fine of Rs.500/- with default stipulation.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter. The applicant was on bail during trial and never misused the liberty granted to him. The fine amount has already been deposited. He further submits that there is no likelihood of coming up of this revision for final hearing in near future.

Learned Panel Lawyer for the State opposed the prayer for bail.

On due consideration of the facts and circumstances of the case and the nature of allegation, this application is allowed. Execution of jail sentence of the applicant Motilal Chourasiya is suspended. He is directed to be enlarged on bail on furnishing a personal bond in the sum of Rs.20,000/- (Rupees Twenty Thousand Only) and a surety bond in the like amount to the satisfaction of trial Court for his appearance before the Registry of this Court on 20th April, 2015 and on such other dates as may be fixed by the Registry in this regard.

It is made clear that the sentence of fine is not suspended.

List this case for final hearing in due course. C.C. as per rules.

(SUBHASH KAKADE)

JUDGE taj/-

Misc. Criminal Case No.12721/2014 26.08.2014:

Shri Sanjay K. Agarwal, Advocate for the applicant.
Shri Santosh Yadav, Panel Lawyer for the respondent State.

Shri Manish Datt, Senior Advocate assisted by Shri Pushpendra Dubey, Advocate for the objector.

As prayed by the learned counsel for the applicant, list this case in the next week.

(Subhash Kakade)

Judge taj.

Misc. Criminal Case No.12849/2014 26.08.2014:

S h r i S a n j a y S h a r m a , A d v o c a t e f o r t h e a p p l i c a n t .
Shri Santosh Yadav, Panel Lawyer for the respondent□State.

Heard on admission.

Admit.

Case diary is not available, however, the applicant has filed the photocopy of challan paper for consideration of this application.

With the consent of the parties the case is heard finally.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody in connection with Crime No.389/2014, registered at P o l i c e S t a t i o n W a r a s e o n i , District Balaghat, for the offences punishable under Section 354 (A) of IPC and Section 7, 8 of Prevention of Children From Sexual Offences Act, 2012.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that the applicant and prosecutrix are young and both are having talking terms. It is further submitted that the applicant is a young person of 19 years and is in custody since 10.08.2014, h a v i n g n o p a s t c r i m i n a l a n t e c e d e n t s . I n view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State has opposed the application for grant of bail.

Looking to the facts and circumstances of the case, without expressing any view on merits of the case and considering the averments made by learned counsel for the parties, the application under Section 439 of Cr.P.C. may be accepted. Consequently, it is hereby allowed.

It is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.25,000/□ (Rupees Twenty Five Thousand only) with one solvent surety in the like amount to the satisfaction of the Committal Court/trial Court to appear before the concerned Court on the dates given by the concerned Court during trial.

C.C. as per rules.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11631/2014 26.08.2014:

Shri Brijesh Mishra, Advocate for the applicant. Shri D.K. Paroha, Panel Lawyer for the respondent□State.

Heard on the question of admission. Admit.

Case diary is not available, however, photocopy of challan paper has been filed for consideration of this application.

With the consent of the parties the case is heard finally.

This is the second bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail. Earlier the applicant has filed his first bail application which was dismissed as withdrawn vide order dated 11.07.2014.

The applicant is in custody in connection with Crime No.285/2014, registered at Police Station Maihar, District Satna, for the offences punishable under Sections 307, 341, 323 and 294/34 of IPC.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that the other co□accused persons have already been released on bail by this Hon'ble Court.

It is further submitted that the applicant is a young person of 20 years and is in custody since 20.04.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State vehemently opposes the application and submitted that the applicant is the main accused, who caused injury by sword to the complainant, hence, prays for dismissal of this application.

Detailed examination of evidence and elaborate documentation of merits is not desirable and should be avoided while passing orders on bail applications. What is necessary is the satisfaction about prima facie case and not an exhaustive exploration of merits in the order itself. It is the duty of the parties as well as the Court to see that at the stage of deciding bail application, the Court is not dragged into minutest details and in an arena of conjectures of hypotheses.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of the case the evidence collected by the prosecution there is indication prima facie that the applicant is alleged to have committed a heinous crime. Looking to the nature and gravity of the accusation, this is not a fit case for grant bail to the applicant. Consequently, his application under Section 439 of the Cr.P.C. is hereby rejected.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9142/2014

27.08.2014:

None for the applicant.

Shri Santosh Yadav, Panel Lawyer for the respondent□State.

Case diary is available.

As none appears on behalf of the applicant, List this case after four weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11497/2014 26.08.2014:

Shri Harikant Vishwakarma, Advocate for the applicant.

Shri D.K. Parouha, Panel Lawyer for the respondent□State.

As prayed by the learned counsel for the applicant, list this case after three weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11787/2014 26.08.2014:

Shri Kapil Sharma, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer for the respondent□State.

Case diary is not available.

It be positively called for on the next date of hearing. List this case after two weeks.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11794/2014 26.08.2014:

Shri Atul Anand Awasthy, Advocate for the applicant.
Shri D.K. Parouha, Panel Lawyer for the respondent□State.

List this case along with Misc. Criminal Case No.12265/2014 on 28.08.2014.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11898/2014 26.08.2014:

Shri T.K. Vishwakarma, Advocate for the applicant. Shri D.K. Parouha, Panel Lawyer
for the respondent□State.

As prayed by the learned counsel for the applicant, list this case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12024/2014 26.08.2014:

Shri Manoj Kumar Pandey, Advocate for the applicants.

Shri Umesh Pandey, Government Advocate for the respondent□State.

Case diary is not available.

It be positively called for on the next date of hearing
otherwise the matter will be heard on the basis of challan
papers available with the applicants.

List this case on 02.09.2014.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12161/2014 26.08.2014:

Shri Sourabh Bhushan Shrivastava, Advocate for the applicant.

Shri Umesh Pandey, Government Advocate for the respondent□State.

As prayed by the learned counsel for the applicant, list this case in the next week.

(Subhash Kakade) Judge taj.

Criminal Revision No.2136/2006 26.08.2014:

None for the applicant.

Shri Umesh Pandey, Government Advocate for the respondent□State.

Office is directed to issueailable warrant of arrest in the sum of Rs.5,000/□ against the applicant□Narendra Parashar to secure his presence before this Court on the next date of hearing.

Case be listed on 07.10.2014 for appearance of the aforesaid applicant.

Registrar (Judicial□I) is requested to issue appropriate direction to prepare chart of custody period of the applicant.

(Subhash Kakade) Judge taj.

Criminal Revision No.37/2006 25.08.2014:

None for the applicant.

Shri Santosh Yadav, Panel Lawyer for the respondent no.2□State.

This revision under Section 397/401 of Cr.P.C. has been filed against the judgment of acquittal dated 30.08.2005, passed in Criminal Case No.504/2001, by the learned Judicial Magistrate First Class, Gairatganj, District Raisen, whereby the respondent no.1 has been acquitted from the charge under Section 498□A of IPC.

This revision is of the year 2006. Since no one appears on behalf of the applicant, it seems that with the passage of time, the applicant has lost interest in prosecuting the case. Hence, this application deserves to be dismissed in default.

(Subhash Kakade) Judge taj.

Criminal Revision No.24/2006 25.08.2014:

None for the parties.

This revision under Section 397/401 of Cr.P.C. has been filed against the order dated 25.09.2005, passed by the learned Family Court, Sagar, in MJC No.40/2005, granting Rs.800/□ per month maintenance to the respondent□wife.

This revision is of the year 2006. Since none is present on behalf of the applicant, it seems that with the passage of time, the applicant has lost interest in prosecuting the case. Hence, this application deserves to be dismissed in default.

Memo of revision, order under challenge perused with the records.

Learned Family Court rightly held, after appreciation of evidence that the respondent is legally wedded wife of applicant. The Learned Family Court rightly found that the applicant deserted his wife without any reasonable cause. The criminal proceedings is also pending against the applicant on the report lodged by the respondent for the offence punishable under Section 498A of IPC.

It is the obligation of the husband to maintain wife, father to maintain children and son to maintain parents. It will, therefore, be for him to show that he has no sufficient means to discharge his obligation: Rajathi vs. C. Ganesan (1999) 6 SCC 326. Means does not signify only visible means, such as real property or definite employment:

Basanta vs. Sarat 1982 CrLJ 485. An able-bodied person has sufficient means: Kandaswami vs. Angammal AIR 1960 Mad 348: 1960 CrLJ 1098.

In this legal position learned Family Court rightly held that the applicant also having sufficient means of income to pay maintenance and, therefore, rightly awarded the maintenance amount.

Hence, on the merits also, this revision under Section 397/401 of Cr.P.C. deserves to be dismissed.

Accordingly, the revision stands dismissed. A copy of this order be sent to the Court below with record.

(Subhash Kakade) Judge taj.

Criminal Revision No.24/2006 25.08.2014:

None for the parties.

This revision under Section 397/401 of Cr.P.C. has been filed against the order dated 25.09.2005, passed by the learned Family Court, Sagar, in MJC No.40/2005, granting Rs.800/- per month maintenance to the respondent's wife.

This revision is of the year 2006. Since none is present on behalf of the applicant, it seems that with the passage of time, the applicant has lost interest in prosecuting the case. Hence, this application deserves to be dismissed in default.

Memo of revision, order under challenge perused with the records.

Learned Family Court rightly held, after appreciation of evidence that the respondent is legally wedded wife of applicant. The Learned Family Court rightly found that the applicant deserted his wife without any reasonable cause. The criminal proceedings is also pending against the applicant on the report lodged by the respondent for the offence punishable under Section 498A of IPC.

It is the obligation of the husband to maintain wife, father to maintain children and son to maintain parents. It will, therefore, be for him to show that he has no sufficient means to discharge his obligation: Rajathi vs. C. Ganesan (1999) 6 SCC 326. Means does not signify only visible means, such as real property or definite employment:

Basanta vs. Sarat 1982 CrLJ 485. An able-bodied person has sufficient means: Kandaswami vs. Angammal AIR 1960 Mad 348: 1960 CrLJ 1098.

In this legal position learned Family Court rightly held that the applicant also having sufficient means of income to pay maintenance and, therefore, rightly awarded the maintenance amount.

Hence, on the merits also, this revision under Section 397/401 of Cr.P.C. deserves to be dismissed.

Accordingly, the revision stands dismissed. A copy of this order be sent to the Court below with record.

(Subhash Kakade) Judge taj.

Criminal Revision No.1717/2014 25.08.2014:

Shri Sourabh Singh Thakur, Advocate for the applicant.

Shri R.N. Yadav, Panel Lawyer for the respondent-State.

Heard on admission.

Admit.

Record of the Courts below be called for. Also heard on I.A. No.16281/2014, an application for suspension of sentence and grant of bail to applicant.

The applicant has been convicted under Section 425 (1) of Arms Act and sentenced to undergo rigorous imprisonment for 1 year and fine of Rs.500/-, with default stipulation.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter. The applicant was on bail during trial and never misused the liberty granted to him. The fine amount has already been deposited. He further submits that there is no likelihood of coming up of this revision for final hearing in near future.

Learned Panel Lawyer for the State opposed the prayer for bail.

On due consideration of the facts and circumstances of the case and the nature of allegation, this application is allowed. Execution of jail sentence of the applicant Dattu Baba @ Dalchand is suspended. He is directed to be enlarged on bail on furnishing a personal bond in the sum of Rs.15,000/- (Rupees Fifteen Thousand Only) and a surety bond in the like amount to the satisfaction of trial Court for his appearance before the Registry of this Court on 6th April, 2015 and on such other dates as may be fixed by the Registry in this regard.

It is made clear that the sentence of fine is not suspended.

List this case for final hearing in due course. C.C. as per rules.

(SUBHASH KAKADE)

JUDGE taj/-

Criminal Revision No.1727/2014

25.08.2014:

Shri Sanjeev Mishra, Advocate for the applicant. Heard on admission.

Shri Santosh Yadav, Panel Lawyer accepts notice on behalf of the respondent no.2 State, hence, no notice is required.

Issue show cause notice against admission to the respondent no.1 on payment of process fee within three three days both by ordinary as well as registered A/D post. Notice be made returnable within two weeks.

Also heard on I.A. No.16337/2014, an application for suspension of sentence and grant of bail to applicant.

The applicant has been convicted under Section 138 of Negotiable Instrument Act, 1881 and sentenced to undergo simple imprisonment for 6 months and fine of Rs.2,52,127/□ with default stipulation.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter. The applicant was on bail during trial and never misused the liberty granted to him. He has also deposited the amount of fine. He further submits that there is no likelihood of coming up of this revision for final hearing in near future.

Learned Panel Lawyer for the State opposed the prayer for bail.

On due consideration of the facts and circumstances of the case and the nature of allegation, this application is allowed. Execution of jail sentence of the applicant□Purshottam Gupta is suspended. He is directed to be enlarged on bail on furnishing a personal bond in the sum of Rs.20,000/□ (Rupees Twenty Thousand Only) and a surety bond in the like amount to the satisfaction of trial Court for his appearance before the Registry of this Court on 6th April, 2015 and on such other dates as may be fixed by the Registry in this regard.

It is made clear that the sentence of fine is not suspended.

C.C. as per rules.

(SUBHASH KAKADE)

Criminal Appeal No.1878/2014

25.08.

JUDGE taj/□

2014:

Shri Pushpendra Dubey, Advocate for the appellant.
Shri Santosh Yadav, Panel Lawyer for the respondent□State.

The appeal has already been admitted. Record of the trial Court be called for. Also heard on I.A. No.13533/2014, an application for suspension of sentence and grant of bail on behalf of the appellant.

The appellant has been convicted under Section 294, 307 and 506 Part II of IPC sentenced with fine of Rs.1,000/- in the first count, to undergo rigorous imprisonment of 4 years and fine of Rs.1,000/- in the second count and to undergo rigorous imprisonment of one year and Rs.1,000/- respectively with default stipulation.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the matter. The appellant was on bail during trial and has never misused the liberty granted to him. He also submits that there is no likelihood of coming up of this appeal for final hearing in near future.

Learned Panel Lawyer for the State opposes the prayer for suspension of sentence and grant of bail.

On due consideration of the facts and circumstances of the case and the nature of allegation, this application is allowed. Execution of jail sentence of the appellant Ashok Chourasiya is suspended. He is directed to be enlarged on bail on furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) and a surety bond in the like amount to the satisfaction of trial Court for his appearance before the Registry of this Court on 6th April, 2015 and on such other dates as may be fixed by the Registry in this regard.

It is made clear that the sentence of fine is not suspended.

List this case for final hearing in due course. C.C. as per rules.

(SUBHASH KAKADE)

JUDGE taj/-

Criminal Appeal No.2334/2011 25.08.2014:

Shri V.A. Ansari, Advocate for the appellants.
Shri Santosh Yadav, Panel Lawyer for the respondent State.

Appellant no.2 Ayub Khan is personally present before this Court. He is identified by his counsel. His presence be marked.

Now appellant no.2 Ayub Khan is directed to remain present before the Registry of this Court on 05.01.2015 and on such other dates as may be fixed by the Registry in this regard.

The appeal has already been admitted. Record received.

List for final hearing in due course.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12758/2014 25.08.2014:

Shri Sharad Verma, Advocate for the applicant. Shri D.K. Paroha, Panel Lawyer for the respondent□State.

Case diary is not available.

It be positively called for on the next date of hearing. List this case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12767/2014 25.08.2014:

Shri Sharad Verma, Advocate for the applicants. Shri D.K. Paroha, Panel Lawyer for the respondent□State.

Case diary is not available.

It be positively called for on the next date of hearing. It is submitted by the learned counsel for the applicants that the defect as pointed out by the office is made good.

Office to verify and list this case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12793/2014 25.08.2014:

Shri Nitin Jain, Advocate for the applicant. Shri D.K. Paroha, Panel Lawyer for the respondent□State.

Heard on the question of admission. Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

The applicant has an apprehension of his arrest in connection with Crime No.360/2014, registered at Police Station Moti Nagar, Sagar, District Sagar, for the offences punishable under Sections 294, 323, 324, 326 and 506/34

of IPC.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted that the applicant is a retired Government employee and is an old infirm person of 65 years. There is a civil dispute between the parties. The applicant is ready to cooperate in the investigation and trial. The applicant is a reputed citizen of the locality, having no past criminal antecedents, in the event of arrest, his reputation will be tarnished, therefore, he be released on anticipatory bail.

On the other hand, learned Panel Lawyer for the State vehemently opposes the application and submitted that the case is related with the acid burn, hence, prays for dismissal of this application.

Detailed examination of evidence and elaborate documentation of merits is not desirable and should be avoided while passing orders on bail applications. What is necessary is the satisfaction about prima facie case and not an exhaustive exploration of merits in the order itself. It is the duty of the parties as well as the Court to see that at the stage of deciding bail application, the Court is not dragged into minutest details and in an arena of conjectures of hypotheses.

Keeping in view the submissions made by learned counsel for the parties and the facts and circumstances of the case the evidence collected by the prosecution there is indication prima facie that the applicant is alleged to have committed a heinous crime. Looking to the nature and gravity of the accusation, this is not a fit case for grant of anticipatory bail to the applicant. Consequently, his application under Section 438 of the Cr.P.C. is hereby rejected.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12804/2014 25.08.2014:

Shri Anil Kumar Dwivedi, Advocate for the applicant. Shri D.K. Paroha, Panel Lawyer for the respondent□State.

Office to verify and list this case along with the record of Misc. Criminal Case No.1897/2014 before appropriate Bench in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.4295/2014 25.08.2014:

Shri Sharad Verma, Advocate for the applicant. Shri D.K. Paroha, Panel Lawyer for the respondent State.

Heard on admission.

Admit.

Case diary is available.

With the consent of the parties the case is heard finally.

This is the first bail application filed by the applicant under Section 439 of the Cr.P.C. for grant of bail.

The applicant is in custody in connection with Crime No.10/2014, registered at Police Station Simariya, District Panna, for the offences punishable under Sections 304B and 498A of IPC.

Learned counsel for the applicant submits that applicant has been falsely implicated in the case. It is further submitted by the learned counsel for the applicant that Smt. Vanadana, wife of the applicant was pregnant and due to death of child in her womb she also died. He further submitted that Smt. Kailash Bai (PW1), Dinesh Dahayat (PW3) and Leeladhar Dahayat (PW4), mother, cousin brother and uncle of the deceased was examined and declared hostile. The witness Laxman Dahayat, father of Smt. Vandana also died as in deposition sheet of Smt. Kailash Bai name of her husband is mentioned as Late Shri Laxman Dahayat. It is further submitted that the applicant is a young person of 23 years and is in custody since 15.01.2014, having no past criminal antecedents. In view of the aforesaid, prayer is made to enlarge the applicant on bail.

On the other hand, learned Panel Lawyer for the State has opposed the application for grant of bail.

Looking to the facts and circumstances of the case, without expressing any view on merits of the case and considering the averments made by learned counsel for the parties, the application under Section 439 of Cr.P.C. may be accepted. Consequently, it is hereby allowed.

It is directed that the applicant be released on bail on furnishing a personal bond in the sum of Rs.30,000/- (Rupees Thirty Thousand only) with one solvent surety in the like amount to the satisfaction of the Committal Court/trial Court to appear before the concerned Court on the dates given by the concerned Court during trial.

C.C. as per rules.

(Subhash Kakade) Judge taj.

Criminal Revision No.1927/2006 21.08.2014:

None for the parties.

This revision under Section 397/401 of Cr.P.C. has been filed against the order dated 28.06.2004, passed by the learned Second Additional Sessions Judge, Satna, in Criminal Revision No.10/2004, reversing the order dated 17.12.2003, passed in M.J.C. No.29/2002, by the learned Chief Judicial Magistrate Satna.

This revision is of the year 2006. One earlier occasions also no one appeared on behalf of the parties, it seems that with the passage of time, the applicant has lost interest in prosecuting the case. Hence, this application deserves to be dismissed in default.

Memo of revision, order under challenge perused with the records.

Learned Trial Court rightly held, after appreciation of evidence that the respondent is legally wedded wife of applicant. The Learned Trial Court rightly found that the applicant deserted his wife without any reasonable cause. The criminal proceedings is also pending against the applicant on the report filed by the respondent no.1 for the offence punishable under Section 498A of IPC.

It is the obligation of the husband to maintain wife, father to maintain children and son to maintain parents. It will, therefore, be for him to show that he has no sufficient means to discharge his obligation: Rajathi vs. C. Ganesan (1999) 6 SCC 326. Means does not signify only visible means, such as real property or definite employment:

Basanta vs. Sarat 1982 CrLJ 485. An able-bodied person has sufficient means: Kandaswami vs. Angammal AIR 1960 Mad 348: 1960 CrLJ 1098.

In this legal position learned Family Court rightly held that the applicant also having sufficient means of income to pay maintenance and, therefore, rightly awarded the maintenance amount.

Hence, on the merits also, this revision under Section 397/401 of Cr.P.C. deserves to be dismissed.

A c c o r d i n g l y , t h e r e v i s i o n s t a n d s d i s m i s s e d .
A copy of this order be sent to the Court below with record.

(Subhash Kakade) Judge taj.

Criminal Revision No.122/2006

22.08.2014:

Shri U.S. Jaiswal, Advocate for the applicant. Shri Abhyaraj Singh, Advocate for the respondents no.1 to 9.

Shri R.K. Kesharwani, Panel Lawyer for the respondent no.10□State.

Learned counsel for the applicant prays for and is granted two weeks time to file reply of I.A. No.979/2006.

List this case in the week commencing 8th September, 2014.

(Subhash Kakade) Judge taj.

22.08.2014:

None for the appellant.

Shri R.K. Kesharwani, Panel Lawyer for the respondent□State.

List the case after three weeks under the same head as per the convenience of the Registry.

(Subhash Kakade) Judge taj.

Criminal Appeal No.1465/2013 22.08.2014:

Shri L.P. Yadav, Advocate for the appellant. Shri R.K. Kesharwani, Panel Lawyer for the respondent□State.

Let the defect as pointed out by the office be made good within a week.

List thereafter.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12540/2013 22.08.2014:

Applicant Sunil Kumar Gawaskar alias Sunil Gautam present in person.

Applicant prays for and is granted two weeks' time to take necessary action regarding filing of the application.

List in the week commencing 8th September, 2014.

(Subhash Kakade) Judge taj.

22.08.2014:

Shri Anup Singh Lodhi, Advocate for the appellant. Shri R.K. Kesharwani, Panel Lawyer for the respondent□State.

Let the defect as pointed out by the office be made good within a week.

List thereafter.

(Subhash Kakade) Judge taj.

Criminal Revision No.1006/2014 22.08.2014:

Shri Tony Vishwakarma, Advocate for the applicants. Shri R.K. Kesharwani, Panel Lawyer for the respondent□State.

Heard on I.A. No.10249/2014, which is an application for condonation of delay.

There is a delay of 165 days in filing this revision. For the reasons stated in the application, which is not opposed by the learned Panel Lawyer, the same is allowed. The delay in filing the revision is accordingly condoned.

(Subhash Kakade) Judge taj.

Criminal Revision No.1390/2014 22.08.2014:

Shri V.K. Pandey, Advocate for the applicant. Shri R.K. Kesharwani, Panel Lawyer for the respondent□State.

It is submitted by the learned counsel for the applicant that the defect as pointed out by the office has already been cured.

Office to verify and list the case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.1613/2014 22.08.2014:

Shri Tribhuwan Mishra, Advocate for the applicant. Shri R.K. Kesharwani, Panel Lawyer for the respondent□State.

It is submitted by the learned counsel for the applicant that the defect as pointed out by the office has already been cured.

Office to verify and list the case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.9897/2014 22.08.2014:

None for the applicant.

Shri R.K. Kesharwani, Panel Lawyer for the respondent□State.

Let the defect as pointed out by the office be made good within a week.

List thereafter.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11445/2014 22.08.2014:

None for the applicant.

Shri R.K. Kesharwani, Panel Lawyer for the respondent□State.

Let the defect as pointed out by the office be made good within a week.

List thereafter.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11509/2014 22.08.2014:

S h r i L . P . Y a d a v , A d v o c a t e f o r t h e a p p l i c a n t .
Shri R.K. Kesharwani, Panel Lawyer for the respondent no.3□State.

Let the defect as pointed out by the office be made good within a week.

List thereafter.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11550/2014 22.08.2014:

Shri B.K. Upadhyay, Advocate for the applicant. Shri R.K. Kesharwani, Panel Lawyer for the respondent State.

List this case along with Misc. Criminal Case No.11557/2014 in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11704/2014 22.08.2014:

Shri Sunil Kumar Singh, Advocate for the applicant. Shri R.K. Kesharwani, Panel Lawyer for the respondent no.1 State.

As prayed by the learned counsel for the applicant, list this case in the next week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.11821/2014 22.08.2014:

Shri Surendra Rajak, Advocate for the applicant. Shri R.K. Kesharwani, Panel Lawyer for the respondent State.

Let the defect as pointed out by the office be made good within three working days.

List thereafter.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12038/2014 22.08.2014:

Shri V.K. Pandey, Advocate for the applicant. Shri R.K. Kesharwani, Panel Lawyer for the respondent State.

Heard on I.A. No.16183/2014, which is an application seeking permission to convert this petition filed under Section 482 of the Code of Criminal Procedure Criminal Revision into Criminal Revision.

For the reasons stated in the application, the same is allowed.

Office is directed to register this petition into Criminal Revision.

Necessary amendment be carried out within a week.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.12072/2014 22.08.2014:

Shri B.K. Upadhyay, Advocate for the applicant. Shri R.K. Kesharwani, Panel Lawyer for the respondent□State.

Office is directed to list the case along with the record of Misc. Criminal Case No.12233/2014 before the appropriate Bench in the next week.

(Subhash Kakade) Judge taj.

Criminal Appeal No.1922/2014 22.08.2014:

Shri Pushpendra Dubey, Advocate for the appellant. Shri R.K. Kesharwani, Panel Lawyer for the respondent□State.

Heard on admission.

Admit.

R e c o r d o f t h e t r i a l C o u r t b e c a l l e d f o r .
List thereafter for admission and for consideration of I.A. No.13972/2014, an application for suspension of sentence and grant of bail to the appellant in the week commencing 1st September, 2014.

(Subhash Kakade) Judge taj.

Misc. Criminal Case No.1656/2014 22.08.2014:

Shri Y.K. Gupta, Advocate for the applicant. Shri R.N. Yadav, Panel Lawyer for the respondent□State.

Let the defect as pointed out by the office be made good within three working days.

List thereafter.

(Subhash Kakade) Judge taj.

Criminal Revision No.1596/2014 21.08.2014:

Shri Wakeel Khan, Advocate for the applicant. Shri R.N. Yadav, Panel Lawyer for the respondent□State.

Heard on admission.

Admit.

Record of the Courts below be called for. Also heard on I.A. No.15212/2014, an application for suspension of sentence and grant of bail to applicant.

The applicant has been convicted under Section 427 and 353 of IPC and convicted under Section 4 of the M.P. Chikitsa Evam Chikitsa Sewa Se Sambandhit Vyaktiyon Ki Suraksha Adhiniyam, 2008 and sentenced to undergo rigorous imprisonment for 9 months, 1 year and 3 months with fine of Rs.1,000/□ respectively, with default stipulation.

Learned counsel for the applicant submits that the applicant has been falsely implicated in the matter. The applicant was on bail during trial and never misused the liberty granted to him. He further submits that there is no likelihood of coming up of this revision for final hearing in near future.

Learned Panel Lawyer for the State opposed the prayer for bail.

On due consideration of the facts and circumstances of the case and the nature of allegation, this application is allowed. Execution of jail sentence of the applicant □Karan Balmiki is suspended. He is directed to be enlarged on bail on furnishing a personal bond in the sum of Rs.25,000/□ (Rupees Twenty Five Thousand Only) and a surety bond in the like amount to the satisfaction of trial Court for his appearance before the Registry of this Court on 6th April, 2014 and on such other dates as may be fixed by the Registry in this regard.

It is made clear that the sentence of fine is not suspended.

List this case for final hearing in due course. C.C. as per rules.

(SUBHASH KAKADE)

JUDGE taj/□+ts

Misc. Criminal Case No.1982/2013 21.08.2014:

S h r i A t u l D u b e y , A d v o c a t e f o r t h e a p p l i c a n t .
Shri R.N. Yadav, Panel Lawyer for the respondent no.□State.

Heard on I.A. No.4411/2014, an application seeking permission to change the counsel.

For the reasons stated in the application, the same is allowed.

Office is directed that the name of Shri Atul Dubey, Advocate be reflected in the daily cause list as counsel for the applicant.

(Subhash Kakade) Judge taj.

Criminal Revision No.692/2006 21.08.2014:

None for the parties.

This revision under Section 397/401 of Cr.P.C. has been filed against the order dated 24.05.2006, passed by the learned Family Court, Bhopal, in MJC No.550/2005, granting Rs.1,000/□per month maintenance to the respondent no.1□wife and Rs.500/□to the respondent no.2□son.

This revision is of the year 2006. Since none is present on behalf of the applicant, it seems that with the passage of time, the applicant has lost interest in prosecuting the case. Hence, this application deserves to be dismissed in default.

Memo of revision, order under challenge perused with the records.

Learned Family Court rightly held, after appreciation of evidence that the respondent is legally wedded wife of applicant. The Learned Family Court rightly found that the applicant deserted his wife without any reasonable cause. The criminal proceedings is also pending against the applicant on the report filed by the respondent no.1 for the offence punishable under Section 498□A of IPC.

It is the obligation of the husband to maintain wife, father to maintain children and son to maintain parents. It will, therefore, be for him to show that he has no sufficient means to discharge his obligation: Rajathi vs. C. Ganesan (1999) 6 SCC 326. Means does not signify only visible means, such as real property or

definite employment:

Basanta vs. Sarat 1982 CrLJ 485. An able-bodied person has sufficient means:
Kandaswami vs. Angammal AIR 1960 Mad 348: 1960 CrLJ 1098.

In this legal position learned Family Court rightly held that the applicant also having sufficient means of income to pay maintenance and, therefore, rightly awarded the maintenance amount.

Hence, on the merits also, this revision under Section 397/401 of Cr.P.C. deserves to be dismissed.

Accordingly, the revision stands dismissed.
A copy of this order be sent to the Court below with record.

(Subhash Kakade) Judge taj.

Criminal Appeal No.2224/2014 21.08.2014:

Shri Atul Upadhyay, Advocate for the appellant. Shri R.N. Yadav, Panel Lawyer for the respondent-State.

Hear d on the question of admission .
Appeal seems to be arguable, hence, admitted for final hearing.

Record of the trial Court be called for. List immediately thereafter for consideration of I.A. No.16065/2014 in the week commencing 1st September, 2014.

(Subhash Kakade) Judge taj.

Criminal Appeal No.2072/2014 21.08.2014:

Shri Sanjayram Tamrakar, Advocate for the applicant. Shri R.N. Yadav, Panel Lawyer for the respondent-State.

Hear d on the question of admission .
Appeal seems to be arguable, hence, admitted for final hearing.

Record of the trial Court be called for. List immediately thereafter for consideration of I.A. No.15133/2014 in the week commencing 1st September, 2014.

(Subhash Kakade) Judge taj.

21.08.2014:

Shri Pushpendra Dubey, Advocate for the applicant. Shri R.N. Yadav, Panel Lawyer for the respondent□State.

As prayed by the learned counsel for the applicant, list this case under the same head on 15.10.2014.

(Subhash Kakade) Judge taj.

Criminal Revision No.1654/2012 21.08.2014:

Shri Manish Tiwari, Advocate for the applicant.
Shri Satish Chaturvedi, Advocate for the respondents.
As prayed by the learned counsel for the applicant, list this case under the same head after two weeks.

(Subhash Kakade) Judge taj.