

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 45 of 2019

- Premprakash @ Bablu S/o Shiv Kedar Yadav, Aged About 35 Years, R/o Q. No. M- 311, Ujnigar, Jarhi, Police Station- Bhatgaon, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Bhatgaon, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Respondent

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28/02/2019	Shri Prafull N. Bharat and Shri Jitendra Shrivastava, Advocates for the appellant. Shri I. Lakda, Deputy Govt. Advocate for State. Heard on IA No.2 of 2019, application for grant of stay of conviction. By the impugned judgment dated 02-01-2019 passed by the learned 2nd Additional Sessions Judge, Surajpur, Chhattisgarh in S.T. No.50/2018, the appellant stands convicted as under:- <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>U/s 325 of the IPC</td><td>R.I. for 3 years & fine of Rs.1000/-, in default of payment of fine, further R.I. for 6 months.</td></tr></table> It is submitted that the appellant is hopeful to succeed in this appeal. The appellant was employed in SECL as driver. If the conviction against the appellant is allowed to stand as it is without any order of stay, it may affect the career of the appellant and he may be removed from his service. Reliance has been placed on the judgments delivered by Hon'ble the Supreme Court in the matter of Rama Narang v. Ramesh Narang and others, (1995) 2 SCC 513 and Navjot Singh Sidhu v. State of Punjab and another (2007) 15 S.C.Judicial Decisions 595. Reliance has also been placed on the order of this Court passed in CRA No.11/2010 dated 29-09-2010. Hence, it is prayed that conviction may stayed. On the other hand, Learned counsel for the State opposes the application.	Conviction	Sentence	U/s 325 of the IPC	R.I. for 3 years & fine of Rs.1000/-, in default of payment of fine, further R.I. for 6 months.
Conviction	Sentence				
U/s 325 of the IPC	R.I. for 3 years & fine of Rs.1000/-, in default of payment of fine, further R.I. for 6 months.				

Considered on the entire evidence present against the appellant and grounds raised in this appeal. As the sentence of imprisonment against the appellant has already been suspended by this Court and for the reason that there is no likelihood of this appeal being heard finally in near future, further, it has appeared that if conviction is not stayed, then the situation may arise against the appellant which may be irreversible, therefore, I feel inclined to allow this application.

Accordingly, the application is allowed and it is ordered that conviction shall remain stayed till disposal of this appeal.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)

Judge