

NAER
2025-CGHC:38467**HIGH COURT OF CHHATTISGARH, BILASPUR****CRA No. 694 of 2004**

Vinod Shah S/o Keshri Shah aged about 26 years Occupation Supervisor in Bhilai Steel Plant R/o Jamula Housing Board Bhilai District Durg.

----Appellant**Versus**

State Of Chhattisgarh Through P.S. Purani Bhilai, District- Durg C.G.

---- Respondent

29.04.2024	Shri Sikhar Bakhtiyar, Counsel for the Appellant. Shri Prateek Singh, P.L. for the State/Respondent. Heard on I.A. No.01/2024, an application filed under Section 389 of Code of Criminal Procedure, 1973, seeking suspension of sentence and grant of bail, to the appellant. By virtue of the impugned judgment of conviction and order of sentence dated 05.05.2004, passed by the Second Additional Sessions Judge, Durg, District- Durg in Sessions Trial No.231/2003, whereby the trial Court has convicted the appellant and sentenced as under:- <table><tr><td></td><td>Conviction</td><td>Sentence</td></tr><tr><td>1.</td><td>Under Section 341 of I.P.C.</td><td>S.I. for one month</td></tr><tr><td>2.</td><td>Under Section 394 of I.P.C.</td><td>R.I. for 7 years.</td></tr><tr><td>3.</td><td>Under Section 397 of I.P.C.</td><td>R.I. for 7 years.</td></tr></table> Vide order dated 13.02.2024, a non-bailable warrant was directed to be issued against the appellant and, in pursuance thereof, he was arrested on 09.03.2024. Learned counsel appearing for the appellant submits that there is one more criminal appeal of the appellant, i.e. CRA No.369 of 2005 in which, he is regularly		Conviction	Sentence	1.	Under Section 341 of I.P.C.	S.I. for one month	2.	Under Section 394 of I.P.C.	R.I. for 7 years.	3.	Under Section 397 of I.P.C.	R.I. for 7 years.
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1.	Under Section 341 of I.P.C.	S.I. for one month											
2.	Under Section 394 of I.P.C.	R.I. for 7 years.											
3.	Under Section 397 of I.P.C.	R.I. for 7 years.											



appearing, as per the direction issued by this Court, however, he was not appearing regarding his appearance of the instant appeal, and therefore, he failed to make his appearance. It is contended further that there was no malafide intention behind it, therefore, the remaining jail sentence imposed upon him may kindly be suspended, pending decision of this appeal.

On the other hand, learned counsel appearing for the State/Respondent has opposed the said application.

Having considered the aforesaid contentions of the parties, I am inclined to allow the same.

The application is allowed and the jail sentence imposed upon the appellant is hereby suspended and he is directed to be released on bail on his executing a bond in the sum of Rs.10,000/-, along with two surety of the like amount to the satisfaction of the concerned trial court and he shall appear before the Registry of this Court on 24.06.2024, and thereafter, before the trial Court on a date given to him by the Registry of this Court and then he shall continue to appear on all such subsequent dates as are given to him by the said concerned trial Court till the final disposal of this appeal.

In view of above, I.A. No. 01/2024 stands disposed of.

Let the matter be listed for final hearing along with CRA No.442 of 2004 after summer vacation.

Sd/-

(Sanjay S. Agrawal)
Judge