

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRR No. 535 of 2024

Manoj Kumar Janardan S/o Manrakhan Lal Janardan Aged About 34 Years
R/o Village Gudguda, P.S. Arang, District- Raipur, Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through District Magistrate Raipur, District, Raipur, Chhattisgarh.

---- Respondent

27.05.2024	Mr. C. R. Sahu, learned counsel for the petitioner. Mr. Jitendra Shrivastava, G.A. for the State. Admit. Call for the case diary. Heard on I.A. No. 01/2024 application under Section 397 of Cr. P.C. for suspension of sentence and grant of bail of appellant. By the impugned judgment of conviction and order of sentence dated 20.05.2024 passed by the learned 8th Additional Sessions Judge, Raipur, District- Raipur (C.G.) in Sessions Trial No. 46/2023, the appellant has been convicted and sentence in the following manner:- <table><tr><td colspan="2">Reduced offence of 451 of IPC which has passed judgment by the learned appellate Court.</td></tr><tr><td>Conviction</td><td>Sentence</td></tr><tr><td>Under Section 451 of I.P.C.</td><td>R.I. for 6 months and fine amount of Rs. 2,000/- and in default of payment of fine amount additional R.I. for 1 month to the appellant.</td></tr><tr><td>Under Section 354 of I.P.C.</td><td>R.I. for 1 month and fine amount of Rs. 2,000/- and in default of payment of fine amount additional R.I. for 1 month to the appellant.</td></tr></table> Learned counsel for the petitioner submits that the complainant has not been able to prove the ingredient of Section 451 and 354 of the IPC, even though the complainant has not proved the case beyond all reasonable doubt and the learned both Courts below failed to appreciate that there is material of contradiction and omission in the statement of	Reduced offence of 451 of IPC which has passed judgment by the learned appellate Court.		Conviction	Sentence	Under Section 451 of I.P.C.	R.I. for 6 months and fine amount of Rs. 2,000/- and in default of payment of fine amount additional R.I. for 1 month to the appellant.	Under Section 354 of I.P.C.	R.I. for 1 month and fine amount of Rs. 2,000/- and in default of payment of fine amount additional R.I. for 1 month to the appellant.
Reduced offence of 451 of IPC which has passed judgment by the learned appellate Court.									
Conviction	Sentence								
Under Section 451 of I.P.C.	R.I. for 6 months and fine amount of Rs. 2,000/- and in default of payment of fine amount additional R.I. for 1 month to the appellant.								
Under Section 354 of I.P.C.	R.I. for 1 month and fine amount of Rs. 2,000/- and in default of payment of fine amount additional R.I. for 1 month to the appellant.								

several witnesses, therefore, the application may be allowed.

Learned counsel for the State opposes the bail application.

I have heard learned counsel for the parties.

Considering the facts and circumstances of the case, looking to the detention period of the appellant and final hearing of this criminal revision is likely to take considerable time, hence, I feel inclined to allow I.A. No.01/2024.

Accordingly, the application is allowed.

It is directed that the substantive jail sentence imposed upon the appellant shall remain suspended during the pendency of this criminal revision and he shall be released on bail on his furnishing a personal bond for a sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the Trial Court for his appearance before the Registry of this Court on **26.07.2024**. He shall thereafter continue to appear before the Registry of this Court on all such subsequent dates are are given to him by the Registry of this Court till the disposal of this criminal revision.

Sd/-

(Narendra Kumar Vyas)
Judge