

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 813 of 2018

Faijal Khan S/o Chand Khan Aged About 22 Years R/o Barpali Chauk, Champa, Thana - Champa, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh Through Police Station Champa, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

---Respondent

12/09/2018	<p>Shri Samir Singh, Advocate for the appellant. Shri Lav Sharma, P.L. for the State. Heard on I.A. No. 1 of 2018, an application for suspension of sentence and grant of bail to the appellant.</p> <p>By the impugned judgment dated 30.5.2018 passed by the Court of Learned Sessions Judge, District Janjgir-Champa, Chhattisgarh in Sessions Case No. 13 of 2018, the appellant stands convicted as under:-</p> <table border="1" data-bbox="431 1524 1484 1751"> <thead> <tr> <th data-bbox="431 1524 894 1581">Conviction</th> <th data-bbox="894 1524 1484 1581">Sentence</th> </tr> </thead> <tbody> <tr> <td data-bbox="431 1581 894 1751">Under Section 394/ 34 of the Indian Penal Code.</td> <td data-bbox="894 1581 1484 1751">R.I. for 5 years and to pay fine of Rs.100/-, in default of payment of fine, to further undergo SI for 5 days.</td> </tr> </tbody> </table> <p>Learned counsel for the appellant submits that the appellant has been erroneously convicted and sentenced by the trial Court in</p>		Conviction	Sentence	Under Section 394/ 34 of the Indian Penal Code.	R.I. for 5 years and to pay fine of Rs.100/-, in default of payment of fine, to further undergo SI for 5 days.
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Under Section 394/ 34 of the Indian Penal Code.	R.I. for 5 years and to pay fine of Rs.100/-, in default of payment of fine, to further undergo SI for 5 days.					

the impugned judgment without there being any reliable evidence of the prosecution against the appellant beyond reasonable doubt. According to the evidence present in this case, the main witnesses in this case have stated that the appellant was not active in the commission of offence though he was present on the spot and further, the FIR was lodged against unknown persons. The Identification Parade was conducted in the presence of police personnel and the appellant is in jail since 6.8.2017. Hence, it is prayed that the sentence may be suspended and he may be released on bail.

On the other hand, learned counsel for the respondent/ State opposed the bail application.

Perused the record of the trial Court and the impugned judgment.

After perusal of the statements of the witnesses and after due consideration, I feel inclined to allow the I.A. No. 1 of 2018, an application for suspension of sentence and grant of bail. Consequently, the same is allowed.

Accordingly, the application is allowed.

It is directed that the jail sentence imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the Registry of this Court on **7.12.2018** and thereafter before the concerned trial Court

on a date to be fixed by the Registry and on all such subsequent dates as would be given by that Court till final disposal of this appeal.

List this appeal for final hearing in due course.

Sd/-

(Rajendra Chandra Singh Samant)
Judge