

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 78 of 2017

1. Linga Raju S/o Parsuram Udiya, R/o Near Durga Mandir Zone -3 New Khursipar Police Station Khursipar, District Durg Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh Through The District Magistrate, Durg Chhattisgarh

---- Respondent

25/01/2017	Shri Avinash Chand Sahu, Advocate for the applicant. Shri S.R.J.Jaiswal, Panel Lawyer for the State/respondent. Heard. Issue notice to the respondent. Shri S.R.J.Jaiswal, Panel Lawyer for the State accepts notice on behalf of the respondent. The instant criminal revision has been preferred within its limitation. The criminal revision is admitted for consideration. Record of the Courts below be called for through usual mode and fax mode. Also heard on I.A.No.1/2017 for suspension of sentence and grant of bail. It is submitted on behalf of the applicant that the applicant held convicted by the Judicial Magistrate First Class Durg, C.G. in Criminal Case No.83/2011 under Section 25(1)(a) of the Arms Act, 1959 on 14-12-2012 and sentenced to undergo rigorous imprisonment for three years and to pay fine of Rs.500/-, in default of payment of fine, to further undergo additional rigorous imprisonment for one month. Being aggrieved by the said judgment, the applicant preferred Criminal Appeal No.02/2013. The IInd Additional Sessions Judge, Durg, C.G. vide judgment dated 16-01-2017 affirmed the judgment passed by the trial Court and dismissed the said appeal filed by the applicant. The applicant	

remained in jail for about 7 to 8 months, as per para 4 sub-para 2 of the judgment passed by the appellate Court and also from 16-01-2017 to till date, i.e., for last 8 days he is serving the sentence. He is the first offender and the incident is about 11 years old. He had paid the fine amount awarded. The instant criminal revision may take some time for hearing. Therefore, his sentence may be suspended and the applicant may be released on bail during pendency of the instant criminal revision.

Per contra, learned counsel appearing for the State/respondent opposed the argument advanced.

Perused the judgment dated 16-01-2017 in connection with Criminal Appeal No.02/2013, on due consideration, for the quantum of sentence awarded, fine has been paid as stated, the applicant served the sentence for about 7 to 8 months during the trial and also 8 days after the judgment passed by the appellate Court, I am inclined to allow the application.

Consequently, I.A.No.1/2017 is hereby allowed and it is hereby ordered that execution of substantive jail sentence imposed upon the applicant shall remain suspended during pendency of this criminal revision and he be released on bail provided that the applicant furnishes a personal bond for a sum of Rs.20,000/- with a solvent surety of the like amount to the satisfaction of the Judicial Magistrate First Class, Durg, C.G., the trial Court, for his appearance before the said trial Court on **02-03-2017**. Thereafter, he shall continue to appear before the said trial Court on all such other subsequent dates as are given to him by the said trial Court, till disposal of this criminal revision.

The trial Court is directed that in case the applicant fails to furnish bail bond before **02-03-2017**, then the trial Court is not required to release him on bail unless he gets the date extended which is given to him for his appearance before the trial Court by this Court.

The trial Court is further directed to intimate the Registry of this Court as to whether in compliance of this Court's Order the applicant has been released on bail or not or the applicant failed to submit the bail

bond, within 15 days of its compliance.

Certified copy as per rules.

List this criminal revision for final hearing in its due course.

Sd/-

(Chandra Bhushan Bajpai)

Judge