

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRR No. 407 of 2017**

1. Gangaram Kenwat S/o Ramkhilawan Aged About 40 Years R/o Village- Salfa, Police Station- Hirri, Tahsil & District- Mungeli, Chhattisgarh.
2. Lala Kenwat S/o Gangaram Aged About 19 Years R/o Village- Salfa, Police Station- Hirri, Tahsil & District- Mungeli, Chhattisgarh.
3. Punitram Kenwat S/o Munna Kenwat Aged About 20 Years R/o Village- Salfa, Police Station- Hirri, Tahsil & District- Mungeli, Chhattisgarh.

**---- Petitioner**

**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station- Hirri, Tahsil & District- Mungeli, Chhattisgarh.

**---- Respondent**

20-4-2017	<p>Mr. Devesh Chandra Verma, counsel for the applicants.</p> <p>Mr. Ramakant Pandey, Panel Lawyer for the State.</p> <p>Heard on admission.</p> <p>The revision petition is admitted.</p> <p>Call for the record of the courts below.</p> <p>Also heard on I.A.No. 01, application for suspension of sentence and grant of bail.</p> <p>By the impugned judgment dated 4-4-2017 passed by the learned Additional Sessions Judge, Mungeli, District Mungeli in Criminal Appeal No. H-64 of 2015 arising out of judgment and conviction and order of sentence dated 4-9-2015 passed by learned CJM, Mungeli in Criminal Case No 1451 of 2014, the applicants stand convicted as under:</p>	

<b><u>CONVICTION</u></b>	<b><u>SENTENCE</u></b>
1) Section 323/34 of the IPC.	RI for 3 years and to pay fine of Rs.200/- each and in default of payment of fine, to undergo additional RI for 15 days each.
2) Section 325/34 of IPC	RI for 1 year and to pay fine of Rs. 300/- each and in default of payment of fine to undergo additional RI for one month each  Both the sentences are directed to run concurrently.

Learned counsel appearing for the appellant would submit that the applicants have been wrongly convicted. He would further submit that the revision is likely to take some time for its final disposal, therefore, the appellants may be released on bail.

On the other hand, State counsel opposes the bail application.

Perused the judgment of the court below.

Considering the facts and circumstances of the case and further considering the short sentence imposed on the applicants and also the fact that the revision petition may take some time for its final disposal, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the applicants.

Accordingly, I.A.No.1 is allowed and it is directed that the

substantive jail sentence imposed upon the applicants shall remain suspended during pendency of this revision and they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They shall appear before the Registry of this Court on 13-7-2017 and thereafter shall appear before the concerned trial Court on a date to be given by the Registry and shall continue to appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-

(GOUTAM BHADURI)  
Judge

Raju