

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRR No. 462 of 2017

Nitibas Ekka, S/o. Jakhriyas Ekka, Aged About 24 Years, R/o. Village Pandripani (Siringa), Police Station- Farsabahar, District Jashpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station Farsabahar, District Jashpur, Chhattisgarh.

----Respondent

04.05.2017	Mr. J.K.Saxena, Advocate for the Applicant. Mr. Anupam Dubey, Dy. Govt. Advocate for the State. Heard Admit Call for the record. Also heard on I.A.No.1, application for suspension of sentence and grant of bail. Applicant has been convicted by the judgment dated 27.03.2017 passed by the Court below in Criminal Appeal No.3/2014 in the following manner with a direction to run both the sentence concurrently. <table><tr><th>Conviction</th><th></th><th>Sentence</th></tr><tr><td>U/s. 279 of I.P.C.</td><td>:</td><td>R.I. for 1 month and fine of Rs.500/-, in default of payment of fine, 1 month additional R.I.</td></tr><tr><td>U/s. 304-A of I.P.C.</td><td>:</td><td>R.I. for 6 months and fine of Rs.1000/-, in default of payment of fine, 1 month additional R.I.</td></tr></table>	Conviction		Sentence	U/s. 279 of I.P.C.	:	R.I. for 1 month and fine of Rs.500/-, in default of payment of fine, 1 month additional R.I.	U/s. 304-A of I.P.C.	:	R.I. for 6 months and fine of Rs.1000/-, in default of payment of fine, 1 month additional R.I.	
Conviction		Sentence									
U/s. 279 of I.P.C.	:	R.I. for 1 month and fine of Rs.500/-, in default of payment of fine, 1 month additional R.I.									
U/s. 304-A of I.P.C.	:	R.I. for 6 months and fine of Rs.1000/-, in default of payment of fine, 1 month additional R.I.									

Learned counsel for the applicant would submit that the sentence awarded is only for 6 months and the revision will take some time for hearing on merits, therefore, the applicant may be released on bail.

Per contra, learned State counsel opposes the prayer for suspension of sentence and grant of bail.

Considering the short sentence i.e. six months and the fact that revision will take some time for hearing, I am inclined to suspend the sentence and release the applicant on bail.

Accordingly, I.A.No.1, application for suspension of sentence and grant of bail is allowed.

Execution of further substantive jail sentence imposed on applicant shall remain suspended and he is directed to be released on bail on his executing a personal bond for a sum 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 **18th July, 2017**. He shall thereafter appear before the Trial Court on a date to be given by the Registry of this Court and shall continue to appear there on all such subsequent dates as are given to him by the said Court, till the disposal of this revision.

Certified copy, as per rules.

Sd/-
(Goutam Bhaduri)
Judge