

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1929 of 2019

1. Anoj @ Anuj Kumar Gupta S/o Radheshyam Gupta Aged about 40 years R/o Village Karpawand Khaspara P. S. Karpawand, District Bastar Chhattisgarh.
2. Raj Kumar Gupta S/o Radheshyam Gupta Aged About 45 years R/o Village Karpawand Khaspara P. S. Karpawand, District Bastar Chhattisgarh.

---- Appellants

Versus

State Of Chhattisgarh Through Police Station Karpawand/Ajak, District Bastar Chhattisgarh.

---- Respondent

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13/12/2019	Mr. Anil Gulati and Mr. Pravin Kumar Tulsyan, counsel for the appellants. Mr. Aman Kesharwani, P.L. for the State. Heard. Admit. Call for the record of the Court below within eight weeks. Also heard on I.A. No.01, application for suspension of sentence and grant of bail. Appellants have been convicted and sentenced by the judgment of conviction and order of sentence dated 19/11/2019, passed in Special Case No.9/2018, by the Learned Special Judge (ST/SC Prevention of Atrocities Act), Bastar (C.G.) in the following manner :- <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;"><u>Conviction</u></th><th style="text-align: center;"><u>Sentence</u></th></tr> </thead> <tbody> <tr> <td>U/s. 294 of IPC</td><td>Fine of Rs. 500/- each.</td></tr> <tr> <td>U/s. 506(B) of IPC</td><td>R.I. for 3 years with fine of Rs. 500/- each.</td></tr> <tr> <td>U/s. 323/34 of IPC(two times)</td><td>R.I. for 6 months with fine of Rs. 500/- each.</td></tr> <tr> <td>U/s. 355/34 of IPC</td><td>R.I. for 2 years with fine of Rs. 500/- each.</td></tr> <tr> <td>U/s. 3(i)(s) & 3(i)(R) of SC</td><td>R.I. for 6 months with fine of Rs. 500/-</td></tr> </tbody> </table>	<u>Conviction</u>	<u>Sentence</u>	U/s. 294 of IPC	Fine of Rs. 500/- each.	U/s. 506(B) of IPC	R.I. for 3 years with fine of Rs. 500/- each.	U/s. 323/34 of IPC(two times)	R.I. for 6 months with fine of Rs. 500/- each.	U/s. 355/34 of IPC	R.I. for 2 years with fine of Rs. 500/- each.	U/s. 3(i)(s) & 3(i)(R) of SC	R.I. for 6 months with fine of Rs. 500/-
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	and ST Act, 1989.	to each and for each offence, in default of payment of fine, additional R.I. for 2 months.
N.Mohle	Learned counsel appearing for the appellants would submit that the appellants were on bail during the trial and even after conviction they have been granted bail by the trial Court for time being and the appellants did not misuse the liberty during the trial therefore, it is prayed that the sentence of imprisonment against the appellants be suspended and they may be enlarged on bail. On the other hand, learned State counsel opposes the prayer for suspension of sentence and grant of bail. I have heard the learned counsel for the parties and perused the impugned judgment. After perusing the impugned judgment and considering the facts and circumstances of the case, this Court is of the opinion that it is a fit case to suspend the sentence and release the appellant on bail. Accordingly, I.A. No.01, application for suspension of sentence and grant of bail is allowed. It is directed that execution of substantive jail sentences imposed on the appellants shall remain suspended during the pendency of this appeal and they shall be released on bail on each of them furnishing a personal bond in a sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the trial Court. The appellant need not give his appearance anywhere until and unless otherwise directed. List this case for final hearing in due course. Sd/- (Ram Prasanna Sharma) Judge	