

Party Name : NARESH CH. PAUL Vs THE STATE OF TRIPURA

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. B. Deb, learned counsel appearing for the petitioner as well as Mr. A. Ghosh, learned PP appearing for the State.

Mr. Deb, learned counsel for the petitioner at the outset submits that erroneously no separate application under Section 397(3) of the Cr.P.C. had been filed along with the Crl. Rev. P. No.96 of 2014 for suspending the order of sentence. Mr. Deb, learned counsel has further submitted that in the meanwhile the petitioner has surrendered before the trial court on December 23, 2014 and is now in the custody.

Having regard to the principle as laid down in Section 389(3) of the Cr.P.C., this Court is of the considered opinion that the petitioner's sentence be suspended till disposal of the said criminal revision petition and he be allowed to remain on bail.

Accordingly, it is ordered.

The petitioner shall be released on his furnishing the bail bond of Rs.10,000/- supported by one surety of the like amount to the satisfaction of the Court of the Judicial Magistrate, Gomati, Udaipur. He shall also file a separate bond binding him that in the aftermath of disposal of the criminal revision petition, if the State takes any further action, the petitioner shall appear and participate in that proceeding.

Accordingly, this petition stands allowed and disposed of.

A copy of this order be furnished to the petitioner on submission of due application in the course of the day.