

Party Name : MALINDRA MURA SINGH Vs THE STATE OF TRIPURA

THE HONBLE MR. JUSTICE S.TALAPATRA

Heard Mr. A.K. Bhowmik, learned senior counsel, assisted by Mr. R. Dutta, learned counsel appearing for the applicant-petitioner as well as Mr. A. Ghosh, learned P.P. for the State. This is an application filed under Section 397 of the Cr.P.C. for staying the impugned judgment of conviction and order of sentence dated 29.04.2014 delivered in Criminal Appeal No.37(3) of 2013 by the Sessions Judge, West Tripura, Agartala.

The connected revision petition has been admitted.

It appears from the impugned judgment that the petitioner has been acquitted from the charge framed under Section 468 of the I.P.C. but the conviction under Section 471 of the I.P.C. has been maintained by the appellate court.

At this juncture, Mr. Bhowmik, learned senior counsel submits that when this forgery goes by way of acquittal from the charge under Section 468 of the I.P.C, the conviction under Section 471 of the I.P.C. comes under severe scrutiny, but by the impugned judgment, the trial court did not provide any specific reason why such conviction in view of the acquittal under Section 468 of the I.P.C. is to be maintained.

In view of sub Section 3 of Section 389 of the I.P.C. which lays down a fundamental principle, there is no difficulty in suspending the sentence as indicated. But Mr. Bhowmik, learned senior counsel has submitted that the petitioner is a Rifleman under the Tripura State Rifles and unless the conviction is made inoperative till disposal of the revision petition he may suffer further jeopardy.

Mr. Ghosh, learned P.P. has strongly resisted such proposition.

This Court however is inclined to consider said prayer in view of **Navjot Singh Sidhu vs State Of Punjab & Anr**, reported in **AIR 2007 SC 1003**, where it has been laid down by the apex court that only under exceptional circumstances and for averting failure of justice, conviction may be made inoperative till disposal of the revision or the appeal, and such discretionary jurisdiction be exercised sparingly. The conviction as impugned in the criminal revision petition No.05 of 2015 shall remain inoperative till disposal of the said revision petition as this court is satisfied that this is warranted on *prima-facie* analysis of the record.

Accordingly, the petitioner is allowed to remain on bail on furnishing a bail bond of Rs.10,000/- supported by one surety to the satisfaction of the trial court.

With this observation and direction, this petition stands disposed of.