

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 745 of 2015**

- Dhiraj Upadhyaya, S/o Tribhuwan Upadhyay, aged about 38 years, R/o Anandpuri, Khagol Patna, Police Station – Khagol, Civil and Revenue District – Patna (Bihar)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station -Ganj, District Raipur (Chhattisgarh)

---- Non-applicant

For Applicant: Mr. Dharmesh Shrivastava, Advocate.
 For Respondent/State: Mr. Neeraj Kumar Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****30/09/2015**

Heard.

(1) Learned counsel appearing for the parties jointly submit that this case is squarely covered by decision of this Court in the case of Satynarayan Sahu Vs. State of Chhattisgarh passed in Criminal Revision No.691/2015 on 23.09.2015. Paragraphs 15 & 16 of the order passed in Criminal Revision No. 691/2015 state as under:-

“(15) For the foregoing reasons, orders impugned to the extent of rejecting the applications for suspension of sentence are hereby set aside. The appellate Court is directed to consider the applications filed by the applicants for suspension

of sentence afresh in accordance with law keeping in view the factors which have been indicated by their Lordship of the Supreme Court in **Angana's case (supra)** while deciding the applications filed under Section 389(1) of the CrPC after affording opportunity of hearing to the parties. It is stated at the bar that the matter is fixed for 6th October, 2015 before the appellate Court. Parties are directed to appear on **6th October, 2015** before the said Court. The appellate Court is directed to consider the applications for suspension of sentence on that day afresh in accordance with law and if any reason hearing on the applications is not possible, the appellate Court would do well to hear and conclude hearing on the said applications not more than 10 days from that day.

(16) It is made clear that this Court has not expressed any opinion on merits about the applications for suspension of sentence and the learned Special Judge will decide the applications for suspension of sentence on its own merit in accordance with law without being influenced by any observations made hereinabove, which are only for the purpose of deciding these criminal revisions.”

(2) Accepting the submissions of learned counsel appearing for the parties, this Criminal Revision is allowed in terms of the order passed by this Court in Criminal Revision No.691/2015 on 23.09.2015.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

