

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 565 of 2016**

Arwind Chaturvedani S/o Awadhram, aged about 28 years, R/o village Chhanta, P.S. Lalpur, District Mungeli (CG)

---- **Petitioner****Versus**

State of Chhattisgarh through the Police Station House Officer, PS Kawardha, District Kabirdham, Chhattisgarh

---- **Respondent**

For Petitioner	:	Smt. Meena Shastri, Advocate
For Respondent/State	:	Shri A. S. Gaharwar, Additional Advocate General along with Shri Anupam Dubey, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****23.05.2016**

Heard on I.A. No.1/16 for urgent hearing and I.A. No.2/16 for hearing the case during summer vacation.

On due consideration, both are disposed of.

Also heard the matter on motion stage itself.

Learned counsel for the petitioner submits that the Appellate Court has not given reason for rejecting the application under Section 389 Sub section 1 of CrPC and therefore the Appellate Court is required to give reason elaborately for dismissal of the said application. She further submits that in the order dated 03.03.2016, the Appellate Court observed that the record of the trial Court is available and there is no possibility for taking more time in disposal of the said Criminal Appeal. Hence, the Court refused the prayer of suspension of sentence and grant of bail. However, the said Criminal Appeal is not disposed of till date i.e. even after two months 20 days from the impugned order. Counsel

for the petitioner submits that the petitioner/appellant is serving the sentence since 26.05.2015 and as such, the applicant has already served about 1/3 of the sentence imposed on him, therefore, an appropriate order may be passed in the matter.

Learned counsel for the respondent/State opposed the submission and submitted that as per the relevant provision of Section 389 Sub section 1 CrPC, the reasons to be recorded in writing in case the Appellate Court allows application for suspension of sentence but there is no requirement to assign any specific reason for denial of prayer of suspension of sentence and grant of bail.

On due consideration, looking to the entire facts it would be appropriate to direct the Appellate Court to dispose of the matter as expeditiously as possible preferably within a period of 30 days from next date of hearing. It is ordered accordingly.

Consequently, without commenting anything on merit, the instant Cr.M.P. is disposed of reserving the petitioner's liberty to approach again this Court under the relevant provision of Section 482 of the Code of Criminal Procedure, 1973 if the matter is not disposed of within the stipulated period.

Registrar (J) is directed to transmit the copy of this order to the Appellate Court through usual and Fax mode immediately.

Sd/-

(Chandra Bhushan Bajpai)
Vacation Judge