

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRR No. 530 of 2018

1. Kanshiram Kashyap And Others S/o Dongara Aged About 42 Years R/o Village Chaurabhata, Police Station Shivrinarayan Now Nawagarh, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
2. Sanat Kumar Kashyap S/o Rama Aged About 42 Years R/o Village Chaurabhata, Police Station Shivrinarayan Now Nawagarh, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
3. Santu Kumar Kashyap S/o Rama Aged About 39 Years R/o Village Chaurabhata, Police Station Shivrinarayan Now Nawagarh, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
4. Rama Kashyap S/o Gokul Kashyap Aged About 65 Years R/o Village Chaurabhata, Police Station Shivrinarayan Now Nawagarh, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
5. Budhram Kashyap S/o Ghuru Kashyap Aged About 45 Years R/o Village Chaurabhata, Police Station Shivrinarayan Now Nawagarh, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Petitioners

Versus

State Of Chhattisgarh Through The District Magistrate, Janjgir District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent

14/06/2018	Mr. Somnath Verma, counsel for the petitioners. Mr. Anil Pandey, GA for the State. Learned counsel for the petitioner submits that this case is identical with Criminal Revision Number 558/2018. Heard on I.A.No. 1 of 2018, application for suspension of sentence and grant of bail. The petitioners/revisioners have been convicted by the impugned judgment dated 2-5-2017 passed by the Sessions

Judge, Janjgir-Champa in Criminal Appeal No. 7 of 2018 arising out of the judgment dated 9-1-2018 passed by the Judicial Magistrate First Class, Pamgarh, Dist. Janjgir Champa in Criminal Case No. 2031 of 2007 whereby conviction and sentence passed by the trial Court has been affirmed, in the following manner with a direction to run the sentences concurrently.

Conviction	Sentence
Under Section 323/34 IPC	Fine of Rs. 1000/- each
Under Section 326/34 IPC	3 years RI and fine Rs. 100/- each
Under Section 326/34	3 years RI and fine Rs. 100/- each. In default 15 days S.I. All the sentence run concurrently.

Learned counsel for the petitioners/revisioners would submit that the fine amount imposed on the petitioners/revisioners have already been deposited, they are in jail since 2-5-2018 and they were on bail during trial and they did not misuse the liberty granted to them. He would further submit that the revision will take some time for hearing on merits, therefore, the substantive jail sentence imposed upon the petitioners may be suspended and they may be released on bail.

Per contra, learned State counsel opposes the prayer for suspension of sentence and grant of bail.

Considering the short sentence and the fact that the petitioners are in jail since 2-5-2018, they were on bail during trial and they did not misuse the liberty granted to them and this revision may take for some time for its final disposal, I am inclined to suspend the sentence and release the petitioners on bail.

Accordingly, I.A.No. 1 of 2018 is allowed and it is directed that the substantive jail sentence imposed on the petitioners shall remain suspended and they be released on bail on each of them furnishing a personal bond for a sum of Rs.25,000/- with one local

surety for the like sum to the satisfaction of the trial Court for their appearance before the concerned trial Court on 24th September, 2018 and shall continue to appear on further dates as may be given, interval being not less than six month, during pendency of this revision.

In view of the above, I.A.Nos.2 & 3, application for hearing the case during summer vacation and application for urgent hearing stand disposed of.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)

Vacation Judge

Rohit