

Rajkumar Jaiswal Vs. the State of Madhya Pradesh

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Court : Madhya Pradesh

Decided On : Sep-23-2013

Appellant : Rajkumar Jaiswal

Respondent : The State of Madhya Pradesh

Judgement :

Criminal Appeal No.1889/2013 23/09/2013 Shri Sharad Verma, Advocate for the appellant.

Shri Ashutosh Tiwari, PL for the respondent/State.

Heard on I.A.No.17757/13, an application for suspension of jail sentence and grant of bail to the appellant.

Appellant has been convicted by the trial Court under section 306 of IPC and sentenced to undergo RI for 5 years & fine of Rs.1000/- with default stipulations.

As per prosecution according to dying declaration itself it is alleged against this appellant that he used to hurl the abusive language against the deceased (his wife) therefore, she poured the kerosene oil and set to ablaze herself.

Learned counsel for the appellant submits that trial Court committed the illegality in not appreciating the evidence in its proper perspective.

It is further submitted that none of the ingredient u/s 107 of IPC proved against the appellant.

The appeal would take considerable time to dispose of finally, hence he prays for suspension of jail sentence and grant of bail to the appellant.

Learned counsel for the State opposes the application.

On due consideration of the facts and contention raised by learned counsel for the parties without commenting on merits, I am of the view that it is a fit case for suspension of jail sentence and grant of bail to the appellant therefore, application is allowed.

Remaining jail sentence of appellant Rajkumar Jaiswal is hereby suspended and it is directed that he shall be released on bail subject to depositing the fine amount and furnishing a personal bond in the sum of Rs.25,000/- (Rs.Twenty Five Thousand only) with one surety in the like amount to the satisfaction of trial Court for his appearance before the Registry of this Court on 17th of February, 2014 and on such subsequent dates as may be fixed by the registry in this regard, which shall not be less than the period of 6 months till final disposal of this appeal.

List the case for final hearing in due course.

Certified copy as per rules.

(G.S.SOLANKI) Judge navin

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