

Cr. Revision No. _____ of 2013.

30.8.2013 Present: Mr. Anupinder Rohal, Advocate vice Mr. Tek Chand Sharma, Advocate for the petitioner.
Mr. D.S. Nainta, Mr. Virender Verma, Addl. A.Gs. with Mr. Pushpender Jaswal, Dy. A.G. for the respondent.

Cr. MP No. 11340 of 2013.

Heard.

Having gone through the contentions and the reasons stated in the application, the delay of 30 days as occurred in filing the main revision petition seems to be neither intentional nor deliberate and rather stands duly explained. Being so, application is allowed and the delay of 30 days as occurred in filing the revision petition is condoned. The application stands accordingly disposed of.

Cr. Revision No. _____ of 2013.

Heard.

Admitted. Send for the record. Post for hearing in due course and on the completion of record.

Cr. MP No. 11261 of 2013.

The petitioner is a convict, who has been convicted and sentenced to undergo simple imprisonment for a period of two months and to pay a fine of ₹500/-, under Section 279 IPC, simple imprisonment for a period of two months and to pay a fine of ₹500/-, under Section 201 IPC and simple imprisonment for two months and to pay a fine of ₹1,000/- under Section 185 of MV Act. The amount of fine imposed upon him stands deposited in the trial Court. He was on bail during the pendency of the trial. Thereafter also during the

pendency of the appeal before learned lower appellate court, the sentences imposed upon him were suspended. The findings of conviction and sentence recorded by both the Courts below have been assailed before this Court in the main revision petition, the disposal whereof is likely to take slightly longer time. The convict petitioner is permanent resident of District Shimla. Therefore, I see no reason as to why he will not be available to serve out the sentence in case the petition is ultimately dismissed. I, therefore, accept this application. Consequently, it is directed that the sentences imposed upon the accused-petitioner shall remain suspended during the pendency of revision petition in this Court, of course subject to his furnishing personal bond in the sum of ₹25,000/- with one surety in the like amount to the satisfaction of learned trial Magistrate within four weeks undertaking specifically therein that in the event of dismissal of revision petition, he shall surrender to serve out the sentences imposed upon him. The application stands accordingly disposed of.

August 30, 2013
(ps)

(Dharam Chand Chaudhary), J.