IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SMT. JUSTICE ANURADHA SHUKLA

ON THE 29th OF JANUARY, 2024

CRIMINAL APPEAL No. 10152 of 2023

BETWEEN:-

RINKI BHADORIA W/O SHRI SHYAM SINGH, AGED ABOUT 30 YEARS, OCCUPATION: LABOUR PERMANENT R/O VILLAGE BAHARAULI POLICE STATION BINDKI DISTT. FATEHPUR PRESENT R/O NEAR PATEL BABA CHABUTRA BANGRASIYA POLICE STATION MISROD BHOPAL DISTT. BHOPAL (MADHYA PRADESH)

.....APPELLANT

(NONE)

AND

THE STATE OF MADHYA PRADESH THROUGH POLICE STATION MISROD DISTRICT BHOPAL (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI DEVENDRA SHUKLA - PANEL LAWYER)

This appeal coming on for admission this day, the court passed the following:

ORDER

This appeal has been preferred against the judgment dated 26.07.2023 passed by the learned Sessions Judge, Bhopal (M.P.) in S.T.No.605/2022 whereby the appellant found guilty for the offence under Section 326 of IPC and sentenced to undergo RI for 3 years with fine of Rs.500/- with default stipulations.

This Court vide order dated 21.08.2023 had extended the period of suspension of sentence for two months till 26.10.2023. Thereafter, this Court

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on 19.12.2023 and 17.01.2024 has directed the appellant to immediately surrender before the trial Court and file the order-sheet regarding the surrender of appellant before the trial Court but it appears that the appellant is still absconding and wants to continue with this appeal without surrendering before the trial Court.

According to High Court of M.P. Rules Chapter-10 Rule 48, appeal against conviction is tenable only if contains the declaration to the effect that convicted persons is in custody or surrendered after the conviction except the cases where sentence has been suspended by the Courts below. While the appellant filed this criminal appeal without surrendering himself and has not surrendered despite many opportunities, so this appeal is not maintainable.

In the light of aforesaid, the criminal appeal filed by the accused/appellant being not maintainable, is hereby **dismissed**.

Let copy of this order along with the record be sent to the trial Court for information and to serve the sentence by the appellant as awarded by the trial Court.

(ANURADHA SHUKLA)
JUDGE

DevS

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