

The High Court Of Madhya Pradesh

Criminal Appeal No.2868 of 2019

(MOHD. ADIL Vs. THE STATE OF MADHYA PRADESH)

Jabalpur, Dated: 28.02.2022

Shri V.R. Daniel – Advocate for the appellant.

*Shri S.K. Kashyap – Government Advocate for the respondent/
State.*

I.A.No.13658 of 2019 is an application filed by the accused Mohd. Adil on 16.07.2019 seeking for suspension of sentence and bail. He has also filed I.A. No. 16000 of 2021 on 01.08.2021 seeking for bail.

Learned counsel for applicant submits that the trial Court committed an error in convicting the accused and sentencing him to imprisonment for life. The question of applicant to be considered as a terrorist as defined under the Unlawful Activities (Prevention) Act (in short “U.A. (P) Act”) does not arise for consideration at all. The Rule itself has come into being in the year 2019. The offence is said to have been committed in the year 2013. Hence, the said Act itself is not applicable. Hence, he pleads that the applicant be enlarged on bail.

The same is disputed by learned Government Advocate.

Heard learned counsels.

Applicant Mohd. Adil and 11 others were tried for various offences under the Explosive Substances Act and the U.A. (P) Act. By the impugned judgment the applicant was convicted for the offence punishable under Section 6 of the Explosive Substances Act and sentenced to undergo imprisonment for life alongwith fine. He was also convicted and sentenced to undergo imprisonment for life for each of the offences under Section 16(B) and 18 of the U.A. (P) Act. Questioning the same, the instant appeal is filed.

The contention of the appellant with regard to the applicability of the Act, in our considered view, requires to be considered at the stage of final hearing. However, so far as the instant application is concerned, even if the contention of the appellant is considered, he has still been convicted for the offence punishable under Section 6 of the Explosive

Substances Act. So far as Section 6 of the Explosive Substances Act is concerned, learned counsel for the applicant contended that on merit there is no material to convict the applicant for the said offence.

However, considering the reasons assigned as well as the findings recorded by the trial Court, sufficient material is shown to convict the appellant under Section 6 of the Explosive Substances Act. However, these are all matters to be considered at the stage of final hearing. Presently even if the contention of the appellant to be accepted regarding the Unlawful Activities (Prevention) Act is concerned, we do not find any material to enlarge the appellant on bail.

Hence, both the applications (I.A.No.13658 of 2019 and I.A. No. 16000 of 2021) are dismissed.

(RAVI MALIMATH)
CHIEF JUSTICE

(DINESH KUMAR PALIWAL)
JUDGE