

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
CRA No. 5651 of 2017
(*LANKA PRASAD BASOR AND OTHERS Vs THE STATE OF MADHYA PRADESH*)**

Dated : 09-03-2026

Shri Ram Prakash Yadav, Advocate for appellants.

Shri Kamal Singh Baghel, Government Advocate for State.

As far as I.A.No.18293/2019 is concerned, it has become infructuous as vide order dated 23.9.2025, a Coordinate Bench of this Court allowed withdrawal of appeal qua the appellant No.1 Ramu Basor and the appellant No.4 Jiyalal Basor, therefore, I.A.No.18293/2019, which should have been closed by the Coordinate Bench is rendered infructuous with withdrawal of the appeal filed on behalf of the appellant No.1 Ramu Basor and the appellant No.4 Jiyalal Basor.

Heard on I.A.No.4729/2026, which is first application for suspension of sentence and grant of bail to the appellant No.7 Shobhan Basor and I.A.No.16342/2021, which is second application for suspension of sentence and grant of bail to the appellant No.5 Bachchelal Basor.

This appeal is filed being aggrieved of judgment dated 21.11.2017 passed by learned 1st Additional Sessions Judge-Waidhan, District Singrauli in Sessions Trial No.132/2010 convicting the appellant No.5 Bachchelal Basor and the appellant No.7 Shobhan Basor for the offence under Section 323/34 (three counts) and Section 302/34 (two counts) and sentencing them to undergo rigorous imprisonment for one year for each count for the offence under Section 323/34 of the I.P.C and rigorous imprisonment for life for each count for the offence under Section 302/34 of the I.P.C with fine of

Rs.5,00/-, Rs.1,000/- respectively and in default of payment of fine to undergo additional rigorous imprisonment for three months and one year with a further direction to run all the jail sentences concurrently.

As far as the appellant No.7 Shobhan Basor is concerned, it is pointed out by learned counsel for the appellants that his name is not mentioned in the FIR (Exhibit P/37) lodged on 21.4.2009 at Police Station Sarai, District Singrauli. Only five persons have been named in the FIR, namely, Ramu Basor, Lanka Basor, Santosh Basor, Jiyalal Basor and Bachchelal Basor. Thus, when the name of the appellant No.7 Shobhan Basor is not mentioned in the FIR (Exhibit P/37) then it is evident that he has been falsely implicated and subsequently, his name has been involved without assigning any specific role to him. There are good chances of success in this appeal. Hence, prayer is made to suspend execution of remaining part of the jail sentence of the appellant No.7 Shobhan Basor and to release him on bail.

After hearing learned counsel for the appellants and going through the record so also looking to the fact that the appeal will take considerable time for its disposal but without commenting anything on the merits of the case, we are of the considered opinion that this is a fit case to suspend execution of remaining part of jail sentence of the appellant No.7 Shobhan Basor and to release him on bail. I.A.No.4729/2026 is accordingly allowed.

It is directed that on depositing the fine amount, if not already deposited and on furnishing a personal bond to the tune of Rs.50,000/- (Rupees Fifty Thousand Only) with two solvent sureties each in the like amount to the satisfaction of the Trial Court for his appearance before the

Trial Court on 30.4.2026 and on such other dates as may be fixed by the Trial court, which shall not be more than once in a year, the execution of remaining part of the jail sentence imposed upon appellant No.7 Shobhan Basor shall remain suspended and he shall be released on bail till final disposal of this appeal.

I.A.No.4729/2026 is allowed & disposed of.

As far as the appellant No.5 Bachchelal Basor is concerned, the FSL report (Exhibit P/55) reveals that Article-E Lathi recovered from Bachchelal Basor contains human blood, therefore, when there is an eye-witness account with regard to the involvement of Bachchelal Basor, we are not in a position to accept the contention of Shri Ram Prakash Yadav, Advocate for grant of application for suspension of sentence filed on behalf of the appellant No.5 Bachchelal Basor.

I.A.No.16342/2021 fails and is dismissed.

Before parting, we would like to point out that Shri Kamal Singh Baghel, learned Government Advocate for the State is not prepared with the case. He did not read the file and has not assisted the Court at all. He has not answered any questions put forth by the Court.

This is a serious matter.

The State should ensure that their counsels are well prepared to assist the Court and their appointments should not be made for any other consideration except the merit.

Let a copy of this order be sent to the Chief Secretary of the State of Madhya Pradesh to take action and review the list of the Government

Advocates examining their competency to assist the Court rather than any other consideration.

Certified copy as per rules.

(VIVEK AGARWAL)
JUDGE

(RATNESH CHANDRA SINGH BISEN)
JUDGE

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