

(2017) 07 RAJ CK 0056
In the Rajasthan High Court
Case No : 798 of 2017

Banwari Lal S/o Shankerlal

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 21-07-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 147](#),
[Section 323](#) - Punishment for rioting - Punishment for
voluntarily causing hurt

Citation : (2017) 07 RAJ CK 0056

Hon'ble Judges : Deepak Maheshwari

Bench : SINGLE BENCH

Advocate : Anoop Agarwal, R.R. Gurjar

Final Decision : Disposed

Judgement

1. Heard learned counsel for the accused appellants and learned Public Prosecutor on the application for suspension of sentence and perused the judgment impugned dated 22.6.2017 passed by learned Additional Sessions Judge , District Alwar, whereby the accused appellants have been convicted for the offence punishable under Sections 147 & 323 IPC and have been sentenced with maximum of 01 years rigorous imprisonment alongwith fine.
2. Learned counsel for the accused appellants submits that the accused were on bail during trial and their sentence has already been suspended by the learned trial court. There are sufficient

grounds to challenge the impugned judgment of conviction as mentioned in the memo of appeal. Hence, the accused-appellants be enlarged on bail while suspending the sentence.

3. Learned Public Prosecutor has vehemently opposed the application for suspension of sentence and submits that the accused appellants does not deserve the indulgence of suspension of sentence and their application be therefore dismissed.

4. Without expressing any opinion on the merits and taking into consideration all the grounds mentioned in the memo of appeal assailing the judgment impugned dated 22.6.2017, I am inclined to suspend the sentence awarded to the accused appellants till disposal of the appeal.

5. It is accordingly ordered that the sentence awarded by the learned Trial Court to the accused appellants in Sessions Case No. 15/2008 shall remain suspended till the final disposal of the appeal; provided they execute a personal bond in the sum of Rs. 30,000/- along with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial court for their appearance on 16.8.2017 and as and when called upon to do so before this Court along with following conditions:-

(1) that the accused appellants shall inform this court their complete and new address, whenever they change their residence during the pendency of appeal. (2) The accused appellants shall appear before learned trial court during the month of January in every year till the appeal is disposed off.

(3) The sureties will also undertake to ensure compliance of above two conditions and will also inform their new and correct address, whenever they change their place of residence.

6. The learned trial court shall keep the record of attendance of the accused appellants in a separate file. Such file be registered as Criminal Misc. Case related to the Sessions Case in which the accused appellants were tried and convicted. A copy of this order

shall also be placed in that file for ready reference. Criminal misc. file shall not be taken into account for statistical purpose relating to pendency and disposal of cases in the trial court. In case the accused appellants does not appear before the trial court, the learned trial judge shall report the matter to the High Court for cancellation of bail.

7. Accordingly, the application for suspension of sentence is disposed off.