
(2023) 12 RAJ CK 0010
In the Rajasthan High Court
Case No : Criminal Appeal (SB) No. 2497 Of 2023

Iqbal And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 04-12-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389

Citation : (2023) 12 RAJ CK 0010

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Teja Ram, Aneesh Bhurat, CP Marwan

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

Heard.

Admit.

Call for record.

Learned Public Prosecutor accepts notice on behalf of respondent No.1-State. Issue notice to respondent No.2, returnable within a period of eight weeks.

Heard on suspension of sentence application No.1555/2023. Upon a consideration of the arguments advanced on behalf of the appellants and having regard to the facts and circumstances of the case, this Court is of the opinion that it is a fit case for suspending the sentence awarded to the appellants.

Accordingly, the application for suspension of sentence filed under Section 389 Cr.P.C is allowed and it is ordered that the sentence passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Hanumangarh in Sessions Case No.51/2021 vide judgment dated 20.11.2023 against the appellants (1) Iqbal S/o Roshan Khan, (2) Bablu S/o Roshan Khan (3) Anwar S/o

Roshan Khan, (4) Ameer Khan S/o Ramjan, (5) Rijakat Ali @ Rajjak S/o Yusuf Khan, (6) Liyakat Ali S/o Yusuf Khan & (7) Shyokat Ali S/o Yusuf Khan shall remain suspended till final disposal of the aforesaid appeal subject to depositing the 50% fine amount as imposed by the learned trial Court, provided they execute personal bond in the sum of Rs.1,00,000/- each with two sureties of Rs.50,000/- each to the satisfaction of the learned trial Judge for their appearance in this court on 05.01.2024 and whenever ordered to do so, till the disposal of the appeal on the conditions indicated below:-

1. That they will appear before the trial Court in the month of January of every year till the appeal is decided.
2. That if the appellants residence, they will give address to the trial Court in the High Court. change the place of in writing their changed as well as to the counsel
3. Similarly, if the sureties change their address, they will give in writing their changed address to the trial Court.
4. The appellants shall deposit 50% of fine amount as imposed by the trial court.

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 original 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 said accused-appellants do not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.