
(2020) 01 RAJ CK 0272

In the Rajasthan High Court

Case No : Criminal Miscellaneous Suspension Of Sentence Application (Appeal)
No. 1310 Of 2019

Kantilal And Ors

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 30-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389

Citation : (2020) 01 RAJ CK 0272

Hon'ble Judges : Sandeep Mehta, J;Vijay Bishnoi, J

Bench : Division Bench

Advocate : Pradeep Shah, Mahipal Bishnoi

Final Decision : Allowed

Judgement

Learned Public Prosecutor Shri Mahipal Bishnoi has chosen not to file reply to the instant application for suspension of sentences.

Heard on the application for suspension of sentences.

Perused the material available on record.

Having heard and considered the submissions advanced at bar by learned counsel for the applicants-appellants and learned Public Prosecutor and after going through the record and considering the fact that there was a genuine dispute of possession over the land in question and as the appellants who were on bail during the course of trial and did not misuse the liberty so granted to them, they deserve the same indulgence of bail during the pendency of the appeal.

Accordingly, the instant application for suspension of sentences filed under Section 389 Cr.P.C. is allowed and it is ordered that the sentences passed by the Sessions Judge, Doongarpur vide judgment dated 27.11.2019 in Sessions Case No.164/2017 (CIS No.164/2017) against the appellants-applicants (1) Kantilal S/

o Shri Vijaypal, (2) Ratnesh S/o Shri Vijaypal, (3) Devilal S/o Shri Nagji, (4) Jeeva S/o Shri Nagji and (5) Bhogilal S/o Shri Nagji shall remain suspended till final disposal of the aforesaid appeal and they shall be released on bail, provided they execute a personal bond in the sum of Rs.50,000/- each with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for their appearance in this court on 28.02.2020 and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

1. That he/she/they will appear before the trial Court in the month of January of every year till the appeal is decided.
2. That if the applicant(s) changes the place of residence, he/she/they will give in writing his/her/their changed address to the trial Court as well as to the counsel in the High Court.
3. Similarly, if the sureties change their address(s), they will give in writing their changed address to the trial Court.

The learned trial Court shall keep the record of attendance of the accused-applicant(s) in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the accused-applicant(s) was/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 applicant(s) does not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.