
(2017) 03 RAJ CK 0106
In the Rajasthan High Court
Case No : 191 of 2017

Khinv Singh S/o Bheru Singh

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 28-03-2017

Acts Referred:

Citation : (2017) 03 RAJ CK 0106

Hon'ble Judges : Vijay Bishnoi

Bench : SINGLE BENCH

Advocate : D.K. Gaur, R.K. Bohra

Judgement

1. Heard learned counsel for the parties and perused the impugned order.
2. Learned counsel for the appellants has submitted that the allegation of firing gun shot is against accused appellant Shyam Singh. It is also contended that none of the prosecution witnesses has alleged that the other co-accused persons namely Khinv Singh, Surendra alias Saidiya, Dalip Kumar and Jeetu Singh @ Jitendra had fired any gun shot, resulted into an injury dangerous to life to the injured Ratan Lal (PW-1). It is also contended that a pistol was also recovered from accused appellant Shyam Singh.
3. Learned Public Prosecutor has opposed the application for suspension of sentence.
4. Taking into consideration the overall facts and circumstances of the case, this Court is not inclined to grant application for

suspension of sentence filed on behalf of the accused appellant Shyam Singh son of Khinv Singh.

5. Accordingly, the application for suspension of sentence filed on behalf of the accused appellant Shyam Singh son of Khinv Singh is dismissed.

6. Having considered the facts and circumstances of the case and substantial grounds in the appeal, this Court is of the opinion that there are strong grounds for challenging the judgment of conviction and as hearing of the appeal is likely to take time, this Court is inclined to suspend the sentence awarded to the appellants - Khinv Singh, Surendra alias Saidiya, Dalip Kumar and Jeetu Singh alias Jitendra.

7. Accordingly, this application for suspension of sentence is partly allowed and it is directed that the sentence awarded to appellants - Khinv Singh son of Bheru Singh, Surendra alias Saidiya son of Babulal, Dalip Kumar son of Rameshwar Lal and Jeetu Singh alias Jitendra son of Jethu Singh by the Addl. Sessions Judge, Rajgarh, District Churu by judgment dated 10.2.2017 shall remain suspended till final disposal of the aforesaid appeal provided each of them executes a personal bond for a sum of Rs.50,000/- along with two solvent sureties in the sum of Rs.25,000/- each to the satisfaction of the learned trial court for their appearance before this Court on 28.4.2017 and whenever called upon 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(s) to the trial court.

8. 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.