

(2024) 01 RAJ CK 0135

In the Rajasthan High Court

Case No : Criminal Appeal (SB) No. 119 Of 2024

Madhu Lal And Others

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 29-01-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389

Citation : (2024) 01 RAJ CK 0135

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : R.K. Charan, Mukesh Trivedi

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

Heard.

Issue notice.

Learned Public Prosecutor accepts notices on behalf of respondent No.1-State.

Heard learned counsel for the parties on Misc. Bail Application (Suspension of Sentence) No.75/2024.

Learned counsel for the appellants submits that the appellants were on bail during the trial and hearing of the appeal will take sufficiently long time, therefore, the sentence of the appellants may kindly be suspended.

Learned Public Prosecutor opposed the prayer made by the counsel for the appellants.

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 substantive sentence awarded to the accused appellants.

Accordingly, the application for suspension of sentence filed under Section 389 Cr.P.C. is allowed and it is ordered that the substantive sentences passed by the learned Additional & Sessions Judge No.2, Nimbahera, District Chittorgarh vide judgment dated 11.01.2024 in Criminal Sessions Case No.8/2015 (52/2010) against the appellants-applicants – (1) Madhu Lal S/o Prithvi Raj (2) Balu Ram S/o Moti Lal (3) Puran Lal S/o Narayan (4) Narayan Lal S/o Lala and (5) Jamna Bai D/o Narayan, shall be suspended till final disposal of the aforesaid appeal subject to the condition that the appellants shall deposit the 50% of the fine amount as imposed by the learned trial Court and he will be released on bail, provided each of them execute a personal bond in the sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the learned trial Judge for their appearance in this court on 01.03.2024 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.
4. Appellants shall deposit the 50% of fine amount as imposed by the learned 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.