

(2017) 05 RAJ CK 0038
In the Rajasthan High Court
Case No : 479 of 2017

Nagga Ram S/o Roopa Ram

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

Date of Decision : 08-05-2017

Acts Referred:

Citation : (2017) 05 RAJ CK 0038

Hon'ble Judges : Gopal Krishan Vyas, Deepak Maheshwari

Bench : DIVISION BENCH

Advocate : R.R. Bishnoi, C.S. Ojha, B.L. Dudy

Judgement

1. Heard learned counsel for the applicants, learned Public Prosecutor and learned counsel for the complainant.
 2. Learned counsel for the applicants submits that finding of learned trial court is totally perverse and there is no documentary evidence of the prosecution to establish that complainant was having any right or title upon the land in question, therefore, the sentence awarded to the applicants may kindly be suspended.
 3. Learned Public Prosecutor and the learned counsel appearing on behalf of complainant vehemently opposed the prayer made by the learned counsel for the applicants.
 4. After considering entire facts and considering the evidence, without expressing any opinion on merits, we deem it appropriate to suspend the sentence awarded to accused-appellants.
- Accordingly, this application for suspension of sentence is allowed

and it is ordered that the sentence awarded by learned Addl. District & Sessions Judge No.2 Chittorgarh vide judgment dated 07.04.2017 in Sessions Case No.8/2012 against the applicants/appellants (1) Nagga Ram S/o Roopa Ram, (2) Tulsi Ram S/o Rudha Ram, (3) Keva Ram S/o Rudha Ram, and (4) Hari Ram S/o Bheema Rebari, shall remain suspended till the final disposal of aforesaid appeal and they may be released on bail provided they execute personal bond in the sum of Rs. 50,000/- each along with two sureties in the sum of Rs.25,000/- each to the satisfaction of the trial court for his appearance before this Court on 03.07.2017 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.
5. 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.