

(2024) 01 RAJ CK 0038

In the Rajasthan High Court

Case No : Criminal Miscellaneous Suspension Of Sentence Application (Appeal)
No. 1635 Of 2023

Parasa Ram And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 08-01-2024

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389

Citation : (2024) 01 RAJ CK 0038

Hon'ble Judges : Manoj Kumar Garg, J

Bench : Single Bench

Advocate : Swaroop Singh, Javed Gauri

Final Decision : Allowed

Judgement

Manoj Kumar Garg, J

Heard learned counsel for the appellants as well as learned Public Prosecutor.

Learned counsel for the appellants submits that the accused-appellants were on bail during 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, Jalore, vide judgment dated 13.12.2023 in Sessions Case No.39/2021 against the appellants-applicants, (1) Parasa Ram S/o

Padma Ram, (2) Galba Ram S/o Padma Ram, (3) Haja Ram S/o Ravta and (4) Leela Ram S/o Padma Ram, shall be suspended till final disposal of the aforesaid appeal subject to the condition that the appellant shall deposit 50% of the fine amount as imposed by the learned trial Court and they will be released on bail, provided each of them executes 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 his appearance in this court on 12.02.2024 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. Appellant shall deposit 50% of the 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.