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**(2017) 07 RAJ CK 0003**  
**In the Rajasthan High Court**  
**Case No : 225 of 2017**

Raju @ Rajiya S/o Mala Ram Ji

APPELLANT

Vs

The State of Rajasthan

RESPONDENT

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**Date of Decision :** 04-07-2017

**Acts Referred:**

[Code of Criminal Procedure, 1973](#), [Section 389](#) - Suspension of sentence pending the appeal; release of appellant on bail

**Citation :** (2017) 07 RAJ CK 0003

**Hon'ble Judges :** Sandeep Mehta

**Bench :** SINGLE BENCH

**Advocate :** MC Tak, Rajesh Bhati

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**Judgement**

1. Heard learned counsel for the petitioner/applicant and learned Public Prosecutor on application for suspension of sentence.
2. Learned counsel Mr.M.C. Tak appears to represent the petitioner under the free legal aid scheme. He submits that the sentence awarded to the co-accused Mohd. Arif Khan has been suspended by this Court vide order dated 23.6.2017.
3. In this background 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 sentences awarded to the accused petitioner Raju @ Rajiya.
4. Accordingly, the application for suspension of sentence filed under Section 389 Cr.P.C. is allowed and it is ordered that the

sentences passed by the learned Judicial Magistrate, Rajgarh vide judgment dated 16.10.2015 as affirmed by the learned Additional Sessions Judge, Rajgarh vide judgment dated 30.3.2017 against the petitioner-applicant Raju @ Rajiya, shall remain suspended till final disposal of the aforesaid revision and he shall be released on bail, provided he executes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance in this court on 4.8.2017 and whenever ordered to do so till the disposal of the revision 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.