

(2021) 05 RAJ CK 0065
In the Rajasthan High Court
Case No : Criminal Appeal No. 1096 Of 2020

Rugga Ram Rugdev

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 21-05-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 389

Citation : (2021) 05 RAJ CK 0065

Hon'ble Judges : Dr. Pushpendra Singh Bhati, J

Bench : Single Bench

Advocate : Bhagirath Ray Bishnoi, Mahipal Bishnoi, Shokat Ali

Judgement

In the wake of second surge in the COVID-19 cases, the Court is functioning virtually and abundant caution is being maintained for the safety of all concerned.

Admit.

Heard learned counsel for the parties and perused the impugned order.

Counsel for the appellant submits that there is inordinate delay of four months in lodging the FIR has not been explained anywhere. Counsel for the

appellant further read over the contradictions at various stages made by the prosecutrix.

Counsel for the appellant submits that the maximum sentence awarded is of ten years' rigorous imprisonment. He, therefore, prays that the sentence

awarded to the appellant may kindly be suspended during pendency of appeal.

Learned Public Prosecutor has opposed the application.

Having considered all the facts and circumstances of case, without making any observation on the merits of case, we are inclined to suspend the

sentence of the appellant(s).

Accordingly, S.B. Suspension of Sentence Application No. 879/2020 filed under Sec.389 Cr.P.C. is allowed and it is ordered that the substantive

sentence passed by learned Special Judge POCSO Act Cases Jodhpur, District Jodhpur vide judgment dated 16.10.2020 in Sessions Case No.60/2019

against appellant Rugga Ram Rugdev S/o Naina Ram shall remain suspended till final disposal of the aforesaid appeal, 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 07.07.2021 and whenever ordered to do so, till the disposal of the appeal on the conditions indicated below:-

1. That he will appear before the trial Court in the month of January of every year till the appeal is decided.

2. That if the appellant changes the place of residence, he will give in writing his changed address to the trial Court as well as to the counsel in the

High Court.

3. Similarly, if the sureties change their address, they will give in writing their changed address to the trial Court.

The learned trial Court shall keep the record of attendance of the accused-appellant in a separate file. Such file be registered as Criminal Misc. Case

related to original case in which the accused- appellant was 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-appellant does not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of

bail.