

(2017) 05 RAJ CK 0066
In the Rajasthan High Court
Case No : 318 of 2017

Satpal S/o Shri Bhanwarlal		APPELLANT
	Vs	
The State of Rajasthan		RESPONDENT

Date of Decision : 15-05-2017

Acts Referred:

Citation : (2017) 05 RAJ CK 0066

Hon'ble Judges : Gopal Krishan Vyas, G.R. Moolchandani

Bench : DIVISION BENCH

Advocate : G.R. Punia, Man Prakash, J.P.S. Choudhary, Vikas Bijarnia

Judgement

1. Heard learned counsel for the accused applicant/appellant, learned Public Prosecutor and learned counsel for the complainant.
2. It is submitted that the conviction of appellant is based upon the evidence of last seen and recovery of a torch and the motive has not been proved, therefore, the co-accused, Reshmi, was acquitted by the learned trial court. There is no other evidence to connect the accused with the crime, therefore, the finding of learned trial court deserves to be quashed and during pendency of the appeal, the sentence awarded to the appellant 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 applicant.
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, Rajgarh, District Churu vide judgment dated 09.03.2017 in Sessions Case No.11/2013 against the applicant/appellant, Satpal S/o Shri Bhanwarlal, shall remain suspended till the final disposal of aforesaid appeal and he may be released on bail provided he executes personal bond in the sum of Rs. 50,000/- 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.