

(2021) 01 RAJ CK 0155

In the Rajasthan High Court

Case No : Criminal Miscellaneous 3rd Suspension Of Sentence Application
(Appeal) No. 790 Of 2020

Shankar @ Ratan @ Madan Lal And Ors

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 15-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 394, 458
Code Of Criminal Procedure, 1973 — Section 389

Citation : (2021) 01 RAJ CK 0155

Hon'ble Judges : Sandeep Mehta, J

Bench : Single Bench

Advocate : Kaushal Sharma, Aneesh Bhurat

Final Decision : Allowed

Judgement

Heard learned counsel representing the applicants appellants and the learned Public Prosecutor. Perused the impugned judgment and the material available on record.

The appellants applicants herein stand convicted for the offences under Sections 458 and 394/34 of the IPC vide judgment dated 31.01.2017 passed by the learned Additional Sessions Judge, Nathdwara, Rajsamand in Sessions Case No.13/2015 and have been sentenced to maximum imprisonment of eight years.

A perusal of the antecedent report placed on record, indicates that the appellant Raju was found involved in two cases registered in the year 2005 and

12 more cases including the present one in the year 2014. Learned counsel Shri Kaushal Sharma has placed on record a chart indicating that out of 14

cases registered against the appellant Raju till date, he stands acquitted in 10

whereas in few of the cases, he was released by shortening the sentence already undergone by him.

So far as the appellant Shankar is concerned, two cases including the present one have been registered against him till date. Shri Sharma submits that

in another case registered against the appellant Shankar, he was appointed as Amicus Curiae under the Free Legal Aid Scheme and this, Court has

reduced the sentences of the appellant Shankar to the period already undergone by him which is four and half years. In the present cases, the

appellants are incarcerated in prison since long.

In view of the peculiar facts of the case and, considering the custodial period suffered by the appellants, and the bleak chances of an early disposal of

the appeal, this Court considers it fit to suspend the sentences awarded to the appellants, during pendency of the appeal.

Accordingly, the instant third application for suspension of sentences filed under Section 389 Cr.P.C. is allowed and it is ordered that the sentences

passed by the Additional Sessions Judge, Nathdwara, Rajsamand, vide judgment dated 31.01.2017 in Sessions Case No.13/2015 against the appellants-

applicants (1) Shankar @ Ratan @ Madan Lal and (2) Raju @ Rajiya @ Hoji, shall remain suspended till final disposal of the aforesaid appeal and

they shall 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 15.02.2021 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.

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.