

(2021) 01 RAJ CK 0152

In the Rajasthan High Court

Case No : Criminal Miscellaneous Suspension Of Sentence Application (Appeal)
No. 793, 826 Of 2020

Tarshame Singh @ Shema And Ors

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 15-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 148, 149, 307, 323, 324, 326

Citation : (2021) 01 RAJ CK 0152

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

Bench : Single Bench

Advocate : Ranjeet Joshi, Gaurav Singh, Avinash Godara, N.R. Budania

Final Decision : Allowed

Judgement

In wake of onslaught of COVID-19, abundant caution is being taken while hearing the matters in Court.

Heard learned counsel for the parties.

Learned counsel for the appellants submits that Mukhtiyar Singh, Ram Lal, Ugrasen, Gursharan Singh, Tarshame Singh @ Shema, Hari Singh,

Tarshame Singh, Jagga Singh, Mitthu Singh, Resham Singh and Hartej Singh have been convicted under Sections 148, 323, 324, 326/149 and 307/149

IPC. He further submits that one accused Karandeep Singh @ Karan, who is the main accused in the incident, has been convicted under Sections

148, 307, 326, 323 and 324 IPC. He also submits that out of the previously named persons convicted alongwith the present appellants, all have been

released on bail except for Tarshame Singh @ Shema and Ugrasen. He further submits that on the same footing, this Hon'ble Court has suspended

the sentence of all the other accused except Karandeep Singh @ Karan,

Tarshame Singh @ Shema and Ugrasen.

Learned counsel for the appellants also submits that Karandeep Singh @ Karan has a different case because he has been convicted under Section

307 IPC whereas the appellants' case is at par with the persons, who have been convicted under Sections 307/149 IPC and sentence of all those

persons has been suspended.

Learned Public Prosecutor as well as counsel for the complainant vehemently oppose, while relying upon the statement of injured witness.

Learned counsel for the complainant also submits that the previous antecedents and the track record of the appellants warrants that they remain in custody.

This Court takes note of the fact that the sentence of Mukhtiyar Singh, Ram Lal, Gursharan Singh, Hari Singh, Tarshame Singh, Jagga Singh, Mitthu

Singh, Resham Singh and Hartej Singh has already been suspended by this Hon'ble Court and the appellants' case is not different.

This Court, upon considering the submissions made by learned counsel for the appellants, is inclined to suspend the substantive sentence awarded to

the accused-appellants.

Accordingly, S.B. Suspension of Sentence (Appeal) No.826/2020 and 793/2020 filed under Sec.389 Cr.P.C. are allowed and it is ordered that the

substantive sentence passed by the trial court vide judgment dated 16.03.2020 in Sessions Case No.31/2012 (CIS No.94/2014) against appellants (1)

Tarshame Singh @ Shema S/o Chota Singh @ Hartej Singh and (2) Ugrasen S/o Ramlal shall remain suspended till final disposal of the aforesaid

appeal, provided each of them execute 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 their appearance in this court on 16.02.2021 and whenever ordered to do so, till the disposal of the appeal on the conditions

indicated below:-

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

2. That if the appellants change the place of residence, they will give in writing 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, 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-appellants in a separate file. Such file be registered as Criminal Misc. Case

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

bail. However, the appellants, on release, commit any crime, the complainant shall be free to move cancellation of suspension of sentence.