HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc Suspension Of Sentence Application (Appeal) No. 894/2019

in

S.B.Criminal Appeal No.1147/2019

Jitender Panchal S/o Devi Lal, Aged About 22 Years, By Caste Lohar, R/o Fala Kail Bheet, P.S. Lasadiya, District Udaipur.

(Presently Lodged In Central Jail Udaipur).

----Petitioner

Versus

State Of Rajasthan, Through P.P.

----Respondent

For Petitioner(s)	:	Mr. Pankaj Kumar Gupta, Adv. through VC
For Respondent(s)	:	Mr.Anees Bhurat, PP

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

15/12/2020

Heard learned counsel for the appellant as well as learned public prosecutor and perused the record.

Having considered the totality of facts and circumstances of the case and keeping in view the fact that the appellant was on bail during the trial, I consider it just and proper to suspend the substantive sentence awarded to the accused appellant.

Accordingly, the bail application filed by the appellant under Sec.389 Cr.P.C. is allowed and it is ordered that the substantive sentence passed by the learned Additional Sessions Judge, (Woman Atrocities Cases), Udaipur in Sessions Case No.207/2017 (C.I.S. No.200/2017) vide judgment dated 08.08.2019 against the accused-appellant Jitender Panchal S/o Devi Lal shall remain

suspended till final disposal of the aforesaid appeal subject to depositing the fine amount. The appellant shall be released on bail provided he 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 before this court on 15.01.2021 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. That similarly, if the sureties change their addresses, they will give in writing their changed address to the trial Court.
4. That the appellant shall deposit the fine amount as directed by 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 accused-appellant does not not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.

(MANOJ KUMAR GARG),J

14-NK/-