HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc Suspension Of Sentence Application (Appeal) No. 1458/2024

1. Om Prakash S/o Arjun Ram, Aged About 46 Years, R/o Khariya Tehsil Kolayat Dist. Bikaner (Lodge In Sub Jail, Nokha Dist. Bikaner)
2. Bhanwar Lal S/o Bhagirath, Aged About 44 Years, R/o Jaisinghdesaer Magara Tehsil Nokha Dist. Bikaner (Lodge In Sub Jail, Nokha Dist. Bikaner)
3. Mahendra S/o Bhagirath, Aged About 42 Years, R/o Jaisinghdesar Magara Tehsil Nokha Dist. Bikaner (Lodge In Sub Jail, Nokha Dist. Bikaner)
4. Somdutt S/o Mahi Ram, Aged About 43 Years, R/o Jaisinghdesar Magara Tehsil Nokha Dist. Bikaner (Lodge In Sub Jail, Nokha Dist. Bikaner)

----Petitioners

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Amit Gaur
For Respondent(s)	:	Mr. Narendra Gehlot, PP assisted by Mr. Omprakash Choudhary

---

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

26/11/2024

Heard learned counsel for the parties and perused the material available on record.

Upon a consideration of the arguments advanced on behalf of the appellants and having regard to the facts and circumstances of the case including the facts that appellants were on bail during the trial and hearing of the appeal is likely to take time, therefore,

this court is of the opinion that it is a fit case for suspending the substantive sentence awarded to the accused appellants.

Accordingly, the application for suspension of sentence filed under Section 430 BNSS is allowed and it is ordered that the sentence passed by the learned Additional Sessions Judge, Nokha, Dist. Bikaner vide judgment dated 17.10.2024 in Sessions Case No.67/2022 against the appellants-applicants – (1) Om Prakash S/o Arjun Ram, (2) Bhanwar Lal S/o Bhagirath, (3) Mahendra S/o Bhagirath & (4) Somdutt S/o Mahi Ram, shall remain suspended till final disposal of the aforesaid appeal subject to the condition that the appellants shall deposit 50% of the fine amount as imposed by the learned trial Court 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 their appearance in this court on 07.01.2025 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 applicants 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.

4. Appellants shall deposit 50% of fine amount as imposed by the learned trial court.

The learned trial Court shall keep the record of attendance of the accused-applicants in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the accused-

applicants 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 applicants do 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

199-GKaviya/-