HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc Suspension Of Sentence Application (Appeal) No. 66/2025

Vijayraj S/o Ramkunwar, Aged About 42 Years, R/o Bhuriyasani P.S. Merta City Dist. Nagaur. (Lodged In Sub Jail, Merta)

----Petitioner

Versus

State Of Rajasthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Rahul Parihar
For Respondent(s)	:	Mr. Om Prakash Choudhary, A.G.A.

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

27/01/2025

Heard learned counsel for the appellant and learned Public Prosecutor. Perused the material available on record.

Upon a consideration of the arguments advanced on behalf of the appellant and having regard to the facts and circumstances of the case including the facts that the appellant was 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 sentence awarded to the accused appellant.

Learned Public Prosecutor has opposed the prayer made by the counsel for the appellant.

Accordingly, the application for suspension of sentence filed under Section 389 Cr.P.C. (430 BNSS) is allowed and it is ordered that the sentence passed by learned Sessions Judge, Merta vide judgment dated 19.12.2024 in Session Case No.56/2020 against the appellant-applicant– Vijayraj S/o Ramkunwar, shall remain

suspended till final disposal of the aforesaid appeal and he 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 in this court on 03.03.2025 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 applicant 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. 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-applicant in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the accused-applicant 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 said accused applicant does 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

162-GKaviya/-