HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Suspension Of Sentence(Revision) No. 26/2025

Prakash Kumar S/o Vagta Ram, Aged About 45 Years, R/o Village Narsari Wala Road, Arathwada, Tehsil Sheoganj, District Sirohi (Rajasthan)

----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Pratap Ram S/o Chatra Ram, R/o Kailash Nagar, Tehsil Sheoganj, Dist. Sirohi,raj.

----Respondents

For Petitioner(s)	:	Mr. Prem Dayal Bohra
For Respondent(s)	:	Mr. N.K. Gurjar, GA cum AAG with Mr. Narendra Gehlot

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HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Judgment

23/01/2025

Heard learned counsel for the petitioner as well as learned AAG and perused the material available on record.

This is second application for suspension of sentence.

Learned counsel for the petitioner submits that petitioner has surrendered before the concerned trial court and now he is in custody since 08.01.2025 and there is no chance of hearing of the revision in near future, therefore, the sentence of the petitioner may be suspended and he may be released on bail.

Learned AAG has opposed the second application for suspension of sentence.

Upon a consideration of the arguments advanced on behalf of the petitioner and having regard to the facts and circumstances

of the case including the fact that there is no chance of hearing of the revision in near future, this court is of the opinion that it is a fit case for suspending the substantive sentence awarded to the accused petitioner.

Accordingly, the second application for suspension of sentence filed under Section 389 Cr.P.C. (438/442 BNSS) is allowed and it is ordered that the substantive sentences passed by learned Additional Chief Judicial Magistrate, Sheoganj in Criminal Original Case No.389/2015 vide order dated 18.04.2023 as affirmed by the learned Session Judge, Sirohi vide order dated 09.05.2024 in Criminal Appeal No.22/2023 against the petitioner/applicant – **Prakash Kumar S/o Vagta Ram** shall remain suspended till final disposal of the revision and he shall be released on bail subject to deposit of 50% of the cheque amount before the trial court, which shall be disbursed immediately to the respondent/complainant, 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 25.02.2025 and whenever ordered to do so till the disposal of the revision 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.

4. The petitioner shall deposit 50% of the cheque amount before the trial court, which shall be disbursed immediately to the respondent/complainant on an application being filed. Any amount already deposited by the petitioner shall be adjusted with the said 50% of the cheque amount.

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.

(MANOJ KUMAR GARG),J

150-mSingh/-