HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc Suspension Of Sentence Application (Appeal) No. 171/2025

1. Nagendra Singh S/o Dev Sudarshan Singh, Aged About 49 Years, By Profession Crasher Manager, R/o Baniya Talai Police Station Bhindar, District Udaipur, Currently Sanwaria Crasher Parsoli District Chittorgarh (Rajasthan) (Presently Lodged At Dist. Jail Chittorgarh)
2. Bhuralal S/o Girdhari Lal, Aged About 37 Years, Occupation Laborer, R/o Harpura Police Station Parsoli District Chittorgarh (Rajasthan) (Presently Lodged At Dist. Jail Chittorgarh)
3. Bherulal S/o Ghisalal, Aged About 34 Years, Occupation Laborer, R/o Harpura Police Station Parsoli District Chittorgarh (Rajasthan) (Presently Lodged At Dist. Jail Chittorgarh)

----Petitioners

Versus

State Of Raajsthan, Through PP

----Respondent

For Petitioner(s)	:	Mr. Umesh Kant Vyas
For Respondent(s)	:	Mr. Deepak Choudhary, GA cum AAG with Mr. Kuldeep Singh Kumpawat

---

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Judgment

13/02/2025

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

Learned counsel for the appellants submits that the appellants were on bail during the trial and hearing of the appeal will take sufficiently long time, therefore, the sentence of the appellants may be suspended.

Learned Public Prosecutor opposed the prayer for suspension of sentence.

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 the 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 sentence awarded to the accused appellants.

Accordingly, the application for suspension of sentence filed under Section 430 BNSS (Section 389 Cr.P.C.) is allowed and it is ordered that the sentence passed by learned Additional Session Judge, Begun, District Chittorgarh vide judgment dated 17.01.2025 in Session Case No.32/2024 against the appellant-applicants – **1. Nagendra Singh S/o Dev Sudarshan Singh, 2. Bhuralal S/o Girdhari Lal** and **3. Bherulal S/o Ghisalal** shall remain suspended till final disposal of the aforesaid appeal 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 17.03.2025 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.

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

276-mSingh/-