HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc Suspension Of Sentence Application (Appeal) No. 669/2024

Ranveer Kumawat S/o Sh. Bajrang Lal Kumawat, Aged About 22 Years, R/o Ward No.15, Near Nagar Palika, Mukundgarh District Jhunjhunu (Raj) (Presently Lodged In Central Jail Sri Ganganagar)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. J.K. Chanda
For Respondent(s)	:	Mr. Kuldeep Singh Kumpawat, Assistant to Mr. Deepak Choudhary, AAG

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

27/01/2025

Heard learned counsel for the appellant as well as learned Assistant to Addl. Advocate General and perused the material available on record.

Learned counsel for the appellant submits that according to the statement of victim (PW3), she clearly mentioned that she roamed with the appellant at so many places and during this period she did not raise any hue and cry. Counsel further submits that the FIR was lodged after a considerable delay and the said delay has not been explained by the prosecution. The appellant was on bail during the trial and hearing of the appeal will take sufficient long time. Therefore, the sentence may kindly be suspended.

Learned Assistant to Addl. Advocate General opposed the prayer made by the counsel for the appellant.

Upon a consideration of the arguments advanced on behalf of the appellant and having regard to the facts and circumstances of the case, the appellant was on bail during the trial, therefore, this Court is of the opinion that it is a fit case for suspending the sentences awarded to the accused appellant.

Accordingly, the application for suspension of sentence filed under Section 389 (1) Cr.P.C is allowed and it is ordered that the sentence in the judgment dated 01.05.2024 passed by the learned Sessions Judge, Special Court, Prevention of Children from Sexual Offence Act, 2012 and Commission for protection of Child Rights Act, 2005 No.1, Sriganganagar, in Sessions Case No.68/2021 against the appellant-applicant Ranveer Kumawat S/o Sh. Bajrang Lal Kumawat, shall remain suspended till final disposal of the aforesaid appeal and he will be released on bail, provided he executes 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 27.02.2025 and whenever ordered to do so till the disposal of the appeal 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.

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

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