HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc Suspension Of Sentence Application (Appeal) No. 1704/2024

Shobha Devi W/o Shri Mahendra Kumar, Aged About 43 Years, Posaliya, P.s. Paldi-M, At Present Aadinath Colony, Sheoganj, Distt. Sirohi (Raj.) (Presently Lodged In Central Jail, Jodhpur)

----Petitioner

Versus

1. State Of Rajasthan, Through PP
2. Kanku Devi W/o Shri Sarupa Ram Meena, R/o Bapu Nagar, Tehsil Sumerpur, Distt. Pali (Raj.) ----Respondent

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For Petitioner(s)	:	Mr. Bharat Singh Rathore Mr. Hitendra Singh
For Respondent(s)	:	Mr. Deepak Choudhary, GA cum AAG with Mr. Kuldeep Singh Kumpawat

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HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Judgment

24/01/2025

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

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

Learned Public Prosecutor opposed the prayer for suspension of sentence.

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 will take sufficiently long time, therefore, this court is of the opinion that it is a fit case for suspending the sentence awarded to the accused appellant.

Accordingly, the application for suspension of sentence filed under Section 430 BNSS is allowed and it is ordered that the sentence passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Sirohi vide judgment dated 07.12.2024 in Session Case No.92/2021 against the appellant-applicant – **Shobha Devi W/o Shri Mahendra Kumar** shall remain suspended till final disposal of the aforesaid appeal provided she 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 her 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 she 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, she will give in writing her 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

129-mSingh/-