

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR**

S.B. Criminal Revision No. 93/2019

Arjun Sain S/o Nathu Lal @ Choga Lal Sain, Aged About 48 Years, R/o Pathik Nagar Bijoliya District Bhilwara (At Present Lodged In Sub Jail Mandalgarh)

----Petitioner

Versus

1. State, Through Pp
2. Om Prakash S/o Gopal Lal Brahmin, R/o Road Bus Stand Ke Samne Bijoliya District Bhilwara.

----Respondents

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| For Petitioner(s) | : | Mr. Jitendra OJha |
| For Respondent(s) | : | Mr. OP Rathi, PP  |

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**HON'BLE MR. JUSTICE MANOJ KUMAR GARG**

**Judgment / Order**

**30/01/2019**

Heard.

Admit. Issue notice.

Learned Public Prosecutor accepts notices on behalf of respondent No.1-State. Issue notice to respondent No.2 only.

Heard learned counsel for the petitioner and learned public prosecutor on application for suspension of sentence No.33/2019.

Upon a consideration of the arguments advanced on behalf of the petitioner and having regard to the facts and circumstances of the case, this court is of the opinion that it is a fit case for suspending the substantive sentence awarded to the accused petitioner.

Accordingly, the application for suspension of sentence filed under Section 397(i) Cr.P.C. is allowed and it is ordered that the substantive sentences passed by learned Judicial Magistrate, Bijoliya, District Bhilwara in Original Case No.44/2014 vide order dated 03.10.2016 as

affirmed by the learned Additional Sessions Judge No.3, Camp Mandalgarh, District Bhilwara, vide order dated 23.01.2019 in Cr. Appeal No.5/2018 against the petitioner-applicant Arjun Sain S/o Nathu Lal @ Choga Lal Sain shall remain suspended till final disposal of the aforesaid revision 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 26.02.2019 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.
4. Petitioner shall deposit 50% of the cheque amount before the trial Court which shall be disbursed to the respondent No.2 on a proper application being filed.

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**