

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

S.B. Criminal Revision No. 402/2019

Lal Chand S/o Sh. Mani Ram, Aged About 43 Years, B/c Fagodia (Jat), R/o Near Tagore Public School Village Pilibanga Tehsil Pilibanga District Hanumangarh (Raj.) (Presently Lodged In District Jail, Hanumangarh)

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. M/s Sohan Lal And Sons Pilibanga, Proprietor Sohan Lal S/o Mehar Chand, B/c Agarwal, R/o Ward No. 15 Pilibanga District Hanumangarh

----Respondents

For Petitioner(s)	: Mr. RS Gill
For Respondent(s)	: Mr. Muktiyar Khan, Pp

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Judgment / Order

04/04/2019

The matter comes up on an application under Section 5 of the Limitation Act for condonation of delay in filing the revision petition.

For the reasons stated in the application, the application is allowed. The delay in filing the revision petition is condoned.

Other defects pointed out by the office are waived.

Heard.

Admit. Learned Public Prosecutor accepts notices on behalf of respondent No.1-State. Issue notice to the respondent No.2, returnable within six weeks. Call for the record.

Heard on Application for Suspension of Sentence No.111/2019.

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 under Section 397(1) Cr.P.C. for suspension of sentence is allowed and it is ordered that the substantive sentence passed by the learned Judicial Magistrate, Pilibanga, vide judgment dated 07.04.2016 in Criminal Case No.216/2010 and affirmed by the learned Additional Sessions Judge No.2, Hanumangarh vide judgment dated 21.07.2018 in Criminal Appeal No.09/2016 against the accused-petitioner Lal Chand S/o Sh. Mani Ram shall remain suspended till the final disposal of aforesaid revision *provided he deposits 50% of the cheque amount* in the trial court and executes a personal bond in the sum of Rs.1,00,000/- along with two sureties in the sum of Rs.50,000/- each to the satisfaction of the learned trial Judge for his appearance before this court on 14.05.2019 and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

1. That he will appear before the trial Court in the month of January of every year till the appeal is decided.
2. That if the petitioner changes the place of residence, he will give in writing his changed address to the trial Court as well as to the counsel in the High Court.
3. Similarly, if the sureties change their addresses, they will give in writing their changed address to the trial Court.

4. Accused-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-petitioner in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the accused-petitioner 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 accused-petitioner 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

222-MS/-

