

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

S.B. Criminal Appeal No. 706/2022

Angrej Singh S/o Sh. Banshi Lal, Aged About 26 Years,
Bharwana Police Station Gogamedi Dist. Hanumangarh. (At
Present Lodged In Dist. Jail, Hanumangarh).

-----Appellant

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Appellant(s) : Mr. Vikas Bijarnia.

For Respondent(s) : Mr. Mahipal Bishnoi, PP.

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

06/09/2022

Admit.

Issue notice.

Learned Public Prosecutor accepts notice on behalf of
respondent-State. Hence, notice need not be issued.

Heard learned counsel for the parties on **S.B. Suspension
of Sentence (Appeal) No.436/2022.**

Learned counsel for the appellant submits that there is no
brutality in the allegations made. Learned counsel further submits
that the statement under Section 161 of Cr.P.C. rendered by the
prosecutrix does not make any allegations against the present
appellant. Learned counsel also submits that the age of
prosecutrix was 17 years, 10 months and 9 days old on the date
of incident.

Learned counsel for the appellant further submits that the
consensual issue has been converted into the prosecution case.

Learned counsel for the appellant also submits that the appellant was on bail during trial.

Learned Public Prosecutor opposes the suspension of sentence application.

Having considered the totality of facts and circumstances of the case, this Court deems it just and proper to suspend the substantive sentence awarded to the accused applicant-appellant.

Accordingly, **S.B. Suspension of Sentence (Appeal) No. 436/2022** filed under Section 389 Cr.P.C. is allowed and it is ordered that the substantive sentence passed by the trial court vide judgment dated 05.05.2022 in Session Case No.27/2019 against appellant- **Angrej Singh S/o Sh. Banshi Lal** shall remain suspended till final disposal of the aforesaid appeal, provided he executes a personal bond in a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge for his appearance in this Court on **11.10.2022** 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 appellant changes the place of residence, they 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 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-appellant in a separate file. Such file be registered as Criminal misc. Case related to original case in which the accused-appellant 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 appellant do not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.

(DR.PUSHPENDRA SINGH BHATI), J.

14-/Jitender/Nirmala

RAJASTHAN HIGH COURT



सत्यमेव जयते