

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

S.B. Criminal Revision Petition No. 1045/2022

Ramesh Kumar S/o Shri Raja Ram Meghwal, Aged About 46 Years, R/o Khetrapal Mandir To Leela Chowk Road, Purani Abadi, Sri Ganganagar, District Sri Ganganagar. (At Present Lodged In Central Jail, Sriganganagar)

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Davjeet Singh S/o Shri Shishupal, R/o Ward No. 8, Udarm Chowk, Purani Abadi, Sri Ganganagar, Distt. Sri Ganganagar.

----Respondents

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

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI**Order****07/09/2022**

Heard.

Admit.

Issue notice to the respondent no.2 only, as learned Public Prosecutor is already appearing on behalf of respondent no.1-State.

Call for the record.

Heard learned counsel for the petitioner and learned public prosecutor on **application of Suspension of Sentence (Revision) No.328/2022.**

Learned counsel for the petitioner has shown the disability certificate of the authority, which reflects 75% disability, the same is taken on record.

Learned Public Prosecutor opposes the suspension of sentence (revision) application.

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 sentence awarded to the accused-petitioner.

Accordingly, the application for Suspension of Sentence (Revision) filed under Section 397/401 Cr.P.C. is allowed and it is ordered that the sentences passed by learned Special Judicial Magistrate, (NI Act Cases), No.2, Sri Ganganagar in Criminal Regular Case No.694/2016 vide order dated 10.11.2017 as affirmed by the learned Additional Sessions Judge, No.1, Sri Ganganagar vide order dated 03.06.2022 in Cr. Appeal No.21/2018 against the petitioner-applicant **Ramesh Kumar S/o Shri Raja Ram Meghwal**, shall remain suspended, till final disposal of the aforesaid revision and he shall be released on bail, **provided the petitioner deposits 50% of the cheque amount before the learned trial Court within a period of three months from today**, which shall be disbursed to the respondent No.2 and also 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 **11.10.2022** and whenever ordered to do so till the disposal of the revision 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. If 50% of the cheque amount is not deposited within three months the sentence suspension in this matter shall stand revoked.

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.

(DR.PUSHPENDRA SINGH BHATI), J.

11-/Jitender/nirmala

सत्यमेव जयते