

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

S.B. Criminal Appeal (Sb) No. 2027/2024

Sonu @ Colour @ Kalu Teli S/o Bhanwar Lal, Aged About 31
Years, R/o Bisalwas, P.s. Baghana, Dist. Neemuch, Mp (At
Present Lodged In Dist. Jail, Chittorgarh)

-----Appellant

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Appellant(s)	:	Mr. Sudhir Saruparia
For Respondent(s)	:	Mr. Narendra Gehlot, PP with Mr. OP Choudhary Mr. Vipul Dharnia

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

12/12/2024

Heard.

Admit.

Learned Public Prosecutor accepts notice on behalf of
respondent-State.

Call for the record.

Heard on application for suspension of sentence
No.1724/2024.

Counsel for the appellant submits that compromise has
arrived at between the parties and the appellant was on bail
during the trial and there is no chance of hearing of the appeal in
near future. In such circumstances, the sentence of the appellant
may be suspended and he may be released on bail.

Learned counsel for the complainant concurs the fact of compromise arrived at between the parties. However, learned Public Prosecutor has opposed the application 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 compromise has arrived at between the parties and the appellant was on bail during the trial and there is no chance of hearing of the present appeal in near future, this Court is of the opinion that it is a fit case for suspending the substantive sentences awarded to the accused appellant.

Accordingly, the application for suspension of sentence filed under Section 389 Cr.P.C. (430 of BNSS) is allowed and it is ordered that the substantive sentence passed by the learned Additional District & Sessions Judge No.2, Nimbahera, District Chittorgarh, vide judgment dated 05.12.2024 in Session Case No.10/2016 against the applicant Sonu @ Colour @ Kalu Teli S/o Bhanwar Lal, shall remain suspended till final disposal of the aforesaid appeal and he shall be released on bail subject to deposit of 50% of the fine amount as imposed by the learned trial Court, 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 27.01.2025 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. Appellant shall deposit 50% of the fine amount as imposed by the learned trial Court.

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