

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Cr. Misc. Bail (Suspension of Sentence) Application No.
169/2020

In

S.B. Criminal Revision Petition No. 587/2020

Mangu Khanwani S/o Shri Chelaram B/c Sindhi, R/o Wahe Guru
Mishthan Puliya No. 1 Jawahar Nagar Jaipur Presently At 777-C,
Sindhi Colony Adarsh Nagar Jaipur (Presently Lodged In Central
Jail Jaipur)

-----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Devendra Singh S/o Shri Ranjeet Singh B/c Panjabi, R/o
Plot No. 4/771 Jawahar Nagar, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Sudhir Jain (through V.C.)
For Respondent(s)	:	Mr. Ramesh Choudhary, PP

HON'BLE MR. JUSTICE PRAKASH GUPTA
Order

26/05/2020

This suspension of sentence application has been
filed by the applicant under Section 397 readwith Section 401
CrPC.

Learned counsel for the applicant has contended that
the applicant submits that two cases were registered against the
applicant for the offence under Section 138 of NI Act. He was
convicted and sentenced for the offence under Section 138 of NI
Act in both the cases. Out of the said two cases, in 1 case, the
applicant has served the sentence. He further submits that in the
present case, the applicant was convicted by the Trial Court vide
its judgment dated 25.1.2018 for the offence under Section 138
of NI Act and sentenced to undergo 6 months' SI with a fine of
Rs. 2,20,000/-; in default of payment of fine, to further undergo 3
month's SI. He filed the appeal, but the appellate Court vide its

judgment dated 15.3.2019 dismissed the appeal and affirmed the judgment passed by the Trial Court. He further submits that out of the sentence of 6 months, the applicant has already undergone about 3 ¼ months sentence. He further submits that the applicant was on bail during trial and during the pendency of the appeal. He has annexed the certificate under Rule 311 (3) of the Rajasthan High Court Rules to this effect. He has prayed that in this view of the matter, this application for suspension of sentence of the applicant may be allowed and sentence of the applicant may be suspended during the pendency of the petition.

Learned Public Prosecutor has opposed same.

Having heard the learned counsel appearing for the respective parties and carefully scanned the entire material available on record, this suspension of sentence application filed by the applicant is allowed and it is ordered that execution of sentence awarded to accused applicant Mangu Khanwani S/o Shri Chelaram by the Trial Court and affirmed by the Appellate Court shall remain suspended during the pendency of the petition, provided he deposits 25% of the fine amount of Rs. 2,20,000/- with the trial court and furnishes a personal bond of Rs. 1,00,000/- (Rs. One Lakh).

The applicant is further directed to submit two sureties in the sum of Rs.50,000/- (Rupees Fifty Thousand only) before the concerned Trial Court within two weeks after the withdrawal of the order of the lock-down to the satisfaction of the learned trial court with the stipulation that he shall appear before this Court on 2nd July, 2020 and thereafter as and when called upon to do so

If the aforesaid two sureties, as directed above, are not submitted within the aforesaid period, Court below would be free to take action against the petitioner in accordance with law.

(PRAKASH GUPTA),J