

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Application for Suspension of Sentence
No.408/2023

IN

S.B. Criminal Revision Petition No. 1458/2023

1. Smt. Zaheera Begum @ Zaheera Khanam W/o Shri Waseem Ulha, R/o Vv-33, Van Vihar, Kacchi Basti, Idgah Delhi Bypass Road, Ward No. 55, Jaipur (At Present Accused Petitioner Are Confined At Central Jail Jaipur)
2. Waseem Ulha S/o Shri Vali Ulha, R/o Vv-33, Van Vihar, Kacchi Basti, Idgah, Delhi Bypass Road, Ward No. 55, Jaipur (At Present Accused Petitioner Are Confined At Central Jail Jaipur)

----Petitioners

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Amar Finance, Proprietor Amarjeet Through Power Of Attorney R/o 2/563, Jawahar Nagar, Jaipur

----Respondents

For Petitioner(s)	:	Mr. Naqvi Sehban.
For Respondent(s)	:	Mr. Arpan Sharma. Mr. Mahendra Meena, P.P.

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

12/10/2023

Heard learned counsel for petitioners and learned Public Prosecutor.

Learned Public Prosecutor has submitted custody certificate, the same is taken on record.

Instant revision petition is preferred aggrieved from order dated 03.08.2023 in Criminal Appeal No.44/2022 passed by

learned Addl. Sessions Judge No.5, Jaipur Metro-II and order dated 19.07.2022 in Criminal Case No.647/2017 passed by learned Special Metropolitan Magistrate (N.I. Act Cases) No.13, Jaipur Metro-II.

Learned counsel for the petitioners submitted that Rs.1,10,000/- was already deposited by the petitioners to the respondent No.2, but it was denied by learned counsel for the respondent.

Having considered the entirety of facts and circumstances of the matter, at this stage, it is not possible to express any opinion on merits of the case, but I am of considered view that if the petitioners deposit Demand Draft of Rs.60,000/- in the name of respondent No.2 before learned Trial Court, then they be released on bail. The application for suspension of sentence is allowed and sentence of petitioners accused-**Smt. Zaheera Begum @ Zaheera Khanam W/o Shri Waseem Ulha and Waseem Ulha S/o Shri Vali Ulha** is suspended till disposal of appeal with the condition that they would executes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each of them to the satisfaction of the learned trial Judge for their appearance in this court on 26.03.2024 and whenever ordered to do so till the disposal of the petition on the conditions indicated below:-

1. The petitioners shall deposit Demand Draft of Rs.60,000/- in the name of respondent No.2 before learned Trial Court at the time of submission of bail bonds.

2. After release of petitioners on bail, they will not indulge in any criminal activity and if it is found that they are involved in any criminal activity, the order shall be recalled.
3. That he/she/they will appear before the trial Court in the month of January of every year till the appeal is decided.
4. 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.
5. Similarly, if the sureties change their address(s), they will give in writing their changed address to the trial Court.

Misc. Application stands disposed of.

(ASHOK KUMAR JAIN),J