

Jitendra Choudhari S/O Sunil Choudhari Vs State Of Rajasthan

Court: Rajasthan High Court, Jaipur Bench

Date of Decision: Oct. 18, 2021

Acts Referred: Indian Penal Code, 1860 " Section 389

Hon'ble Judges: Chandra Kumar Songara, J

Bench: Single Bench

Advocate: Vinod Kumar Sharma, Imran Khan

Final Decision: Allowed

Judgement

Chandra Kumar Songara, J

This application for suspension of sentence has been preferred on behalf of the applicant/appellant under Section 389 of Cr.P.C. to suspend the

sentence awarded by Additional Sessions Judge No. 8, Jaipur Metropolitan Second, vide its judgment dated 24.09.2021 in Sessions Case No.03/2020

(36/2019) (CIS No. 414/2019).

Learned counsel appearing for the applicant/appellant submits that the applicant/appellant was on bail during trial and his sentence has already been

granted by the learned trial court after judgment and order of conviction. Hence, sentence awarded to the applicant/appellant may be suspended

during pendency of the appeal.

On the other hand, learned Public Prosecutor appearing for the State, has opposed the application for suspension of sentence.

Heard learned counsel appearing for the applicant/appellant as well as learned Public Prosecutor and perused the material made available on record.

Considering the submissions made by learned counsel appearing for the applicant/appellant and overall facts and circumstances of the case; but

without expressing any opinion on the merits and demerits of the case, this court deems it just and proper to suspend the sentence awarded to the

applicant/appellant.

Accordingly, the application for suspension of sentence is allowed and it is ordered that execution of the sentence awarded by the trial court to the

applicant/appellant, namely Jitendra Choudhari S/o Sunil Choudhari shall remain suspended during the pendency of appeal; provided he furnishes a

personal bond in the sum of Rs.1,00,000/- with two sureties in the sum of Rs.50,000/- (one surety shall be the resident of Jaipur Metro or Jaipur

District) each to the satisfaction of the learned trial Court with the stipulation that he shall appear before this Court on 18.11.2021 thereafter as and

when called upon to do so.