

(2022) 02 RAJ CK 0015**Rajasthan High Court**

Case No: S.B. Criminal Miscellaneous 2nd Suspension Of Sentence Application (Appeal) No.
892 Of 2021 In S.B.Criminal Appeal No.821 Of 2021

Amar Singh

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision: Feb. 1, 2022**Acts Referred:**

Code Of Criminal Procedure, 1973 " Section 389#Narcotic Drugs And Psychotropic
Substances Act, 1985 " Section 8, 15#Arms Act, 1959 " Section 3, 25

Citation: (2022) 02 RAJ CK 0015**Hon'ble Judges:** Manoj Kumar Garg, J**Bench:** Single Bench**Advocate:** J.S.Choudhary, Pradeep Choudhary, Anees Bhurat**Final Decision:** Allowed

Judgement

Manoj Kumar Garg, J

This is the second suspension of sentence application under Section 389 Cr.P.C. The
first suspension of sentence application of the appellant was

dismissed as withdrawn vide order dt. 20.10.2021.

Learned counsel for the appellant submits that appellant was convicted for the offence
punishable under Section 8/15 of NDPS Act & Section 3/25 of

Arms Act and the maximum sentence awarded to the appellants is of 7 years rigorous
imprisonment. It is submitted that appellant has served 3 years

and 5 months of imprisonment out of the total sentence of 7 years. No other case of
NDPS Act has been registered against the appellant. The

appellant is in judicial custody and hearing of the appeal is likely to take a long time. Therefore, the sentence awarded to the appellant may be suspended.

Per contra, learned Public Prosecutor has opposed the prayer of the appellant.

Having regard to the facts and circumstances of the case so also the fact that the appellant has already undergone 3 years and 5 months imprisonment

out of the total sentence of 7 years and the appeal preferred by the appellant against the impugned judgment is not likely to be heard in near future, I

consider it just and proper to suspend the substantive sentence awarded to the accused appellant.

Accordingly, this bail application under Sec.389 Cr.P.C. is allowed and it is ordered that the substantive sentence passed by the learned Special Judge,

NDPS Acts Cases, Churu vide judgment dated 26.08.2021 in Sessions Case No.236/2018 against accused-appellant Amar Singh S/o Leelu @

Dharmpal shall remain suspended till final disposal of the aforesaid appeal subject to depositing the fine amount. The appellant shall be released on bail

provided he executes a personal bond in the sum of Rs.2,00,000/-with two sureties of Rs.1,00,000/- each to the satisfaction of the learned trial Judge

for his appearance in this court on 02.03.2022 and whenever ordered to do so, till the disposal of the appeal on the conditions indicated below:-

1. That he will appear before the trial Court in the month of January of every year till the appeal is decided.
2. That if the appellant changes the place of residence, he will give in writing his changed address to the trial Court as well as to the counsel in the

High Court.

3. Similarly, if the sureties change their address, they will give in writing their changed address to the trial Court.

4. The appellant shall deposit fine amount as imposed by the trial court.

The learned trial Court shall keep the record of attendance of the accused-appellant in a separate file. Such file be registered as Criminal Misc. Case

related to original case in which the accused-appellant was 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-appellant does not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of

bail.