

(2023) 06 RAJ CK 0045

Rajasthan High Court

Case No: Criminal Appeal No. 557 Of 2023

Azra Bi

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision: June 1, 2023

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 389

Hon'ble Judges: Manoj Kumar Garg, J

Bench: Single Bench

Advocate: Vinod Kumar Sharma, Om Prakash Bishnoi, Mukesh Trivedi

Final Decision: Allowed

Judgement

Manoj Kumar Garg, J

Heard on application of suspension of sentence No.441/2023.

Admit.

Learned counsel for the appellant submits that at the time of recovery of contraband co-accused Ahsan Ali and Anzarul Ali, both were present and appellant was implicated merely on the ground that she was the registered owner of the vehicle. Furthermore, appellant is a lady and she was on bail during the trial, therefore, the sentence of the appellant may kindly be suspended.

Learned Public Prosecutor opposed the prayer made by the counsel for the appellant.

Upon a consideration of the arguments advanced on behalf of the appellant and having regard to the facts and circumstances of the case, this court is of the opinion that it is a fit case for suspending the sentence awarded to the accused appellant.

Accordingly, the application for suspension of sentence filed under Section 389 Cr.P.C. is allowed and it is ordered that the sentences passed by the learned Special Judge, NDPS Cases Matter(Addl. Session Judge), Balotra, vide order dated 24.03.2023 in Sessions Case (NDPS Act) No.12/2022 against the appellant- applicant Azra Bi D/o Shabir Ahmed, shall remain suspended till final disposal of the aforesaid appeal subject to the condition that the appellant shall deposit the fine amount as imposed by the learned trial Court and she will be released on bail, provided she 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 her appearance in this court on 03.07.2023 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 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.