

(2017) 07 RAJ CK 0055
RAJASTHAN HIGH COURT
Case No: 793 of 2017

Buddharam S/o
Handuram

APPELLANT

Vs

State of Rajasthan
Through PP

RESPONDENT

Date of Decision: July 21, 2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 323](#), [Section 326](#), [Section 341](#), [Section 308](#) - Punishment for voluntarily causing hurt - Voluntarily causing ievous hur

Citation: (2017) 07 RAJ CK 0055

Hon'ble Judges: Deepak Maheshwari

Bench: SINGLE BENCH

Advocate: Brijendra Singh Kachhwaha, R.R. Gurjar

Final Decision: Disposed

Judgement

1. Heard learned counsel for the accused appellant and learned Public Prosecutor on the application for suspension of sentence and perused the

judgment impugned dated 3.7.2017 passed by learned Additional District and Sessions Judge No.3, Bharatpur (Raj.), whereby the accused

appellant has been convicted for the offence punishable under Sections 326, 308, 341 & 323 IPC and has been sentenced with maximum of 03

years rigorous imprisonment alongwith fine.

2. Learned counsel for the accused appellant submits that the accused was on bail during trial and his sentence has already been suspended by the

learned trial court uptill 22.8.2017. The appeal is likely to take time for final disposal. There are sufficient grounds to challenge the impugned

judgment of conviction as mentioned in the memo of appeal. Hence, the accused-appellant be enlarged on bail while suspending the sentence.

3. Learned Public Prosecutor has vehemently opposed the application for suspension of sentence and submits that the accused appellant does not

deserve the indulgence of suspension of sentence and his application be therefore dismissed.

4. Without expressing any opinion on the merits and taking into consideration all the grounds mentioned in the memo of appeal assailing the

judgment impugned dated 3.7.2017, I am inclined to suspend the sentence awarded to the accused appellant till disposal of the appeal.

5. It is accordingly ordered that the sentence awarded by the learned Trial Court to the accused appellant in Sessions Case No. 37/2012 shall

remain suspended till the final disposal of the appeal; provided he executes a personal bond in the sum of Rs. 40,000/- along with two sureties in

the sum of Rs.20,000/- each to the satisfaction of the trial court for his appearance on 16.8.2017 and as and when called upon to do so before this

Court along with following conditions:-

(1) that the accused appellant shall inform this court his complete and new address, whenever he changes his residence during the

pendency of appeal.

(2) The accused appellant shall appear before learned trial court during the month of January in every year till the appeal is disposed

off.

(3) The sureties will also undertake to ensure compliance of above two conditions and will also inform his new and correct address,

whenever he changes his place of residence.

6. 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 the Sessions 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 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.

7. Accordingly, the application for suspension of sentence is disposed off.