



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc Suspension of Sentence Application
No.339/2023

IN

S.B. Criminal Revision Petition No. 1200/2023

Lalchand S/o Shri Chaturbhuj Meena, Aged About 50 Years, R/o
Patola Mahadev Road, Bajrangpura, Pur, Dist. Bhilwara (Confined
In Dist. Jail, Bhilwara)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. N.K. Gurjar
For Respondent(s) : Mr. Gaurav Singh, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

18/09/2023]

1. The instant application for suspension of sentence has been moved on behalf of the applicant in the matter of judgment dated 22.05.2018 passed by the learned Additional Chief Judicial Magistrate, No.2, Bhilwara, in Criminal Original Case No.9179/2014, whereby he was convicted and sentenced to suffer maximum imprisonment of 06 months under Section 7/16 of the Prevention of Food Adulteration Act.

2. It is contended on behalf of the applicant that the learned trial Judge has not appreciated the correct, legal and factual aspects of the matter and thus, reached at an erroneous conclusion of guilt, therefore, the same is required to be appreciated again by this Court. He was on bail during trial and did not misuse the liberty so granted to him; hearing of the



revision is likely to take long time, therefore, the application for suspension of sentence may be granted.

3. Per contra, learned public prosecutor has vehemently opposed the prayer made on behalf of the accused-applicant for releasing the petitioner on application for suspension of sentence.

4. Heard learned counsel for the parties and perused the material available on record.

5. Considering the submissions of learned counsel for the parties and looking to the totality of facts and circumstances of the case, more particularly the facts that the accused-petitioner was on bail during the course of trial and the hearing of revision is likely to take further more time and considering the overall submissions while refraining from passing any comments on the niceties of the matter and the defects of the prosecution as the same may put an adverse effect on hearing of the revision, this court is of the opinion that it is a fit case for suspending the sentence awarded to the accused-petitioner.

6. Accordingly, the application for suspension of sentence filed under Section 397/401 Cr.P.C. is allowed and it is ordered that the sentence passed by learned Additional Chief Judicial Magistrate, No.2, Bhilwara who passed the impugned order 22.05.2018 in Criminal Original Case No.9179/2014 against the petitioner-applicant- **Lalchand S/o Shri Chaturbhuaj Meena** shall remain suspended till final disposal of the aforesaid revision and he shall be released on bail provided he executes a personal bond in the sum of Rs.50,000/-with two sureties of Rs.25,000/- each to the



satisfaction of the learned trial Judge for his appearance in this court on 18.10.2023 and whenever ordered to do so till the disposal of the revision on the conditions indicated below:-

(1) That he will appear before the trial Court in the month of January of every year till the revision is decided.

(2) That if the applicant 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 addresses, they will give in writing their changed address to the trial Court.

(FARJAND ALI),J

221-Samvedana/-