

Lakhan Singh Vs. State

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SooperKanoon Citation : sooperkanoon.com/1123396

Court : Rajasthan Jodhpur

Decided On : Jan-27-2014

Appellant : Lakhan Singh

Respondent : State

Judgement :

D.B.CRIMINAL MISC.

BAIL APPLN.

No.30/2014 (Suspension of Sentence) Lakhan Singh vs State of Rajasthan IN
D.B.CRIMINAL APPEAL No.179/2011.

// 1 // 1 D.B.CRIMINAL MISC.

BAIL APPLN.

No.30/2014.

(Suspension of Sentence) Lakhan Singh versus State of Rajasthan IN
D.B.CRIMINAL APPEAL No.179/2011 .Date of Order :: 27th January 2014.

HON'BLE Mr.JUSTICE DINESH MAHESHWARI HON'BLE Mr.JUSTICE
BANWARI LAL SHARMA Mr.H.S.S.Kharlia, Senior Advocate with Mr.S.S.Dhillon
for the applicant.

Mr.K.R.Bishnoi, Public Prosecutor.

<><><> Heard the learned counsel for the applicant and learned Public Prosecutor and perused the record.

The learned counsel for the applicant submits that the applicant has been convicted and sentenced in this case essentially on suspicion and without any cogent evidence to connect him for the offence under Section 304-B IPC.

It is further submitted that there has been major contradictions as also major improvements in the version as put forward by PW-2 Roop Wati and PW-4 Raghuveer Singh and hence, it is but apparent that the prosecution has come forward with rather exaggerated allegations.

The learned counsel has also referred to the statement of PW-1 Om Veer Singh, father of the deceased, and submitted that even the allegations of his having given money to the applicant and his family members turns out to be an improvement from his earlier versions; and such improvement is also replete with several inconsistencies.

The learned counsel for the D.B.CRIMINAL MISC.

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// 2 // applicant also submitted that the learned Trial Court has proceeded to convict the applicant either on assumptions or on irrelevant considerations like the alleged unproved allegations of illicit relations of the applicant with his Bhabhi.

In any case, according to the learned counsel, when the applicant is already behind the bars for about six and half years and hearing of this appeal likely to take longer time, no useful purpose would be served by his detention further.

The learned Public Prosecutor, on the other hand, has opposed this SoS application with reference to the findings of the learned Trial Court.

Having examined the record and having given a thoughtful consideration to the entire matter, of course, without any comments on the merits of the case, we are of the considered view that execution of substantive sentence awarded to the applicant Lakhan Singh S/o Ram Singh deserves to be suspended during the pendency of this appeal.

Accordingly, this application is allowed and it is ordered that execution of the substantive sentence awarded by the learned Special Sessions Judge (Women Atrocities & Dowry Cases).Sriganganagar by the judgment and order dated 11.02.2011 in Sessions Case No.50/2007 against the applicant-appellant Lakhan Singh S/o Ram Singh shall remain suspended until final disposal of the aforesaid criminal appeal provided he executes a personal bond in the sum of Rs.20,000/- along with two sureties in the sum of Rs.10,000/- each to the satisfaction of the learned trial Court for his D.B.CRIMINAL MISC.

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// 3 // appearance in this Court on the conditions indicated below:- (i) That he will appear before this Court on 03.03.2014; (ii) That he will appear before the Trial Court in the months of January and July every year till the appeal is decided; (iii) 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 his counsel in the High Court; and (iv) That similarly, if the sureties change their address(es).they will give in writing their changed address to 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 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 purposes 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 this Court for cancellation of bail.

(BANWARI LAL SHARMA),J.

(DINESH MAHESHWARI),J.

/cpgoyal/

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