

Shravan Soni Vs. State

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Court : Rajasthan

Decided On : Jul-26-2004

Reported in : RLW2004(3)Raj1826; 2004WLC(Raj)UC666

Judge : F.C. Bansal, J.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 389

Appeal No. : S.B. Criminal Appeal No. 1486 of 2003

Appellant : Shravan Soni

Respondent : State

Advocate for Def. : Jainendra Jain, Public Prosecutor

Advocate for Pet/Ap. : Praveen Balwada and; R.S. Chauhan, Advs.

Judgement :

F.C. Bansal, J.

1. Heard learned counsel for the appellant, learned Public Prosecutor and have also perused the impugned judgment.

2. It is contended by learned counsel that prior to the alleged incident, the appellant was not known to 1'WI injured Ramniwas, PW 2 Omprakash and PW 3 Chhitarmal Sharma. Though the appellant was named in the FIR but in their

statements the aforesaid witnesses, stated that before the incident, they did not know the appellant. No test-identification parade of appellant Shravan Soni was held during investigation. It is also contended that as per the prosecution story, appellant Shravan and co-accused Ashish Jain came in a car in front of the office of Chhitarmal Sharma. While sitting in the car, Shravan Soni fired a shot which hit the neck of injured Ramniwas. Both the accused persons were put on trial but Ashish Jain has been acquitted of all the charges by the trial Court. In these circumstances, the prosecution has failed to prove the charges against the appellant beyond reasonable shadow of doubt, hence, the application for suspension of sentence be allowed.

3. Learned Public Prosecutor has opposed the application and submits that the appellant was not on bail during trial and he was named in the FIR.

4. Having considered the rival submissions and after going through the statements of injured Ramniwas, Omprakash and Cheetarmal Sharma as also the other evidence produced by prosecution, I am inclined to suspend the sentence awarded to the accused-appellant.

5. It is, therefore, ordered that the sentence awarded to accused appellant Shravan Soni S/o Shri Ram Pratap Soni shall remain suspended during pendency of the appeal and he be released on bail provided he furnishes a personal bond in the sum of Rs. 10,000/- (Rs. Ten thousand only) with two sound sureties of Rs. 5,000/- (Rs. Five thousand only) each to the satisfaction of the learned trial Court with the stipulation to appear in this Court on 26.8.2004 and whenever called upon to do so.