

Laxman Lal and anr. Vs. State of Rajasthan and anr.

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SooperKanoon Citation : sooperkanoon.com/766876

Court : Rajasthan

Decided On : May-06-2005

Reported in : RLW2006(1)Raj121; 2005WLC(Raj)UC718

Judge : K.C. Sharma, J.

Appeal No. : S.B. Cr. Misc. IInd Stay Application No. 362 of 2002

Appellant : Laxman Lal and anr.

Respondent : State of Rajasthan and anr.

Advocate for Def. : Ashivin Sharma, Public Prosecutor

Advocate for Pet/Ap. : Praveen Balwada, Adv.

Judgement :

K.C. Sharma, J.

1. Heard learned counsel for the parties.

2. On 26.3.2002, this court while staying order conviction dated 30.10.2001 qua appellant Om Prakash kept pending the application of appellant Laxman Lal for disposal. It appears from the order dated 26.3.2002 that this court having found sufficient material as regards Om Prakash that department has issued notice to initiate disciplinary proceedings against him which may result into termination of

his service, entertained the prayer for suspension of conviction as conviction being capable of execution and accordingly suspended the order of conviction in so far it relates to Om Prakash. However, since the services of Laxman Lal had already been terminated, his application was kept pending with a view to ascertain whether even after termination of service, order of conviction can still be stayed.

3. Learned counsel appearing for the appellant has produced before me two decisions of the Division Bench of this Court, first in Furquan Ahmed and Anr. v. State of Rajasthan (DB. Cr. Misc. Stay Application No. 772/2001 IN DB Cr. Appeal No. 660/2001) decided on 2.8.2001 and another in Ram Kishore v. State of Rajasthan (D.B. Cr. Misc. Application for stay of Conviction No. 438/2005 IN DB Cr. Appeal No. 487/95, decided on 15.4.2004. In the first case, the Division Bench stayed the judgment of conviction qua appellant Furquan Ahmed, Gr. III Teacher, who services had already been terminated. In the later case, the applicant had retired from service. The Division Bench considering the fact that applicant would not be paid even his pension, stay the conviction of the appellant.

4. Thus, relying upon above quoted two decisions of the Division Bench, I consider it appropriate to entertain the prayer for suspension of conviction.

5. Consequently, the order of conviction dated 31.10.2001 passed by the Trial Court in so that it relates to convict Laxman Lal shall remain suspended till the disposal of this criminal appeal.