

**HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT
JAIPUR**

S.B. Criminal Appeal No. 68 / 2010

Bhakar Ram

----Appellant

Versus

State

----Respondent



For Appellant(s) : Mr. Harshad Kapoor on behalf of
Mr. Rajesh Kapoor

For Respondent(s) : Mr. V. S. Godara, P. P. for State &
Mr. Pankaj Sisodiya, Assistant Gov. Adv.

HON'BLE MR. JUSTICE VIJAY KUMAR VYAS

Order

20/01/2018

1. On perusal of record, it reveals that the appellant was charge-sheeted for offences punishable under Sections 413, 379 & 75 IPC. The appellant was charged and tried for offences punishable under Sections 413 & 379. There is no order available with regard to offence punishable under Section 75 IPC. It reveals that after conviction for offence under Sections 413 & 379 IPC, instead of reading over charge for offence 75 IPC, learned trial court has straightway passed an order of sentence with regard to offences punishable under Sections 413 & 379 IPC only. As per learned Public Prosecutor, State has not preferred any appeal/revision against the impugned judgment.

2. It appears from perusal of the order-sheet that on 17.02.2010 the sentence passed against the appellant was

suspended by a Co-ordinate Bench of this Court, on the condition that the appellant submits a bond and surety of Rs. 25,000/- each. In compliance, the appellant submitted a bond and the bail-bonds but did not appear before this Court on stipulated date i.e. on 15.03.2010 and thereafter. Consequently, the bail-bonds and surety-bonds were forfeited by this Court on 26.08.2010. Despite

of service of notice, when surety did not turn up, the amount Rs. 25,000/- of surety bond was forfeited by this Court on 06.07.2017.

On 06.07.2017, the appellant was produced on a production warrant before this Court from Central Jail, Jodhpur. The warrant

of commitment to jail on a sentence of imprisonment pertaining to the appellant is available on record. The same be immediately forwarded to the Superintendent Central Jail, Ajmer for execution of the remaining sentence passed against the appellant by the trial Court.

4. As per letter dated 06.09.2017 received from Additional Sessions Judge No. 4, Ajmer, proceedings for realization of forfeited amount from the property of sureties is in the process. Learned Additional Sessions Judge is directed to submit quarterly progress report in this regard.

5. Learned counsel appearing on behalf of appellant seeks time to prepare and argue the matter.

6. The matter be listed for hearing after three weeks.

(VIJAY KUMAR VYAS)J.

