

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR

O R D E R

D.B. CRIMINAL MISC. SUSPENSION OF SENTENCE APPLICATION  
NO.135/ 2016  
IN  
D.B. CRIMINAL APPEAL NO.1303/ 2015

SMT. KAMLESH DEVI BAIRWA Vs. THE STATE OF RAJASTHAN

DATE: 29.02.2016

HON'BLE MR.JUSTICE AJIT SINGH, ACTING CHIEF JUSTICE  
HON'BLE MR. JUSTICE MAHESH CHANDRA SHARMA

Sh. Shri Ram Joshi, for the applicant/ appellant.  
Mr. N.S. Shekhawat, Public Prosecutor for the State.

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Heard on D.B. Criminal Misc. Bail Application No.135/ 2016, which is an application for suspension of sentence and grant of bail, filed on behalf of appellant Smt. Kamlesh Devi Bairwa.

Smt. Kamlesh Devi Bairwa along with her co-accused husband Ramniwas Meena has been convicted under Section 302 of the Indian Penal Code for committing murder of Hanuman.

There is no eye-witness to the incident and the entire case of the prosecution is based on circumstantial evidence, mainly quarrel and last seen. The post-mortem examination report does not indicate that any injury was caused to Hanuman. The FSL report however indicates that cause of death of Hanuman was due to consumption of methyl alcohol. But there is no evidence to show that Smt. Kamlesh Devi had administered methyl alcohol to Hanuman.

On due consideration of the facts and circumstances of the case and also considering the fact that Kamlesh Devi Bairwa is a woman, we deem it proper to suspend the sentence awarded to the appellant.

Accordingly, the bail application is allowed and it is ordered that the sentence of appellant Smt. Kamlesh Devi Bairwa W/o Shri Kaluram shall remain suspended till the disposal of the appeal and she shall be released on bail, provided she furnishes a personal bond in the

sum of Rs.50,000/- with one surety in the like amount each to the satisfaction of the trial court to the effect that she shall appear before this court on 29.03.2016 and thereafter as and when called upon to do so.

(MAHESH CHANDRA SHARMA),J.

(AJIT SINGH), ACTING C.J.

/ KKC/

Certificate:

All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

KAMLESH KUMAR  
Sr.P.A.



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