HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc. Suspension Of Sentence Application No. 1322/2026
CNR: RJHC020574102026 | URN: SOSA / 2417U / 2026

IN

Criminal Appeal No. 212/2026

1. Pappu @ Dal Chand S/o Bhullan, Resident of Mahadev Gali, Gangarpada, Bayana, Police Station Bayana.
2. Naresh S/o Mahesh Chand, Resident Of Mahadev Gali, Gangarpada, Bayana, Police Station Bayana.
3. Jitendra S/o Roop Singh, Resident Of Mahadev Gali, Gangarpada, Bayana, Police Station Bayana.
(Accused Applicants presently in Central Jail Sewar District Bharatpur)

----Accused-Applicants

Versus

State Of Rajasthan, Through P.P.

----Respondent

Connected With

D.B. Criminal Misc. Suspension Of Sentence Application No. 1207/2026
CNR: RJHC020543512026 | URN: SOSA / 2244U / 2026
In
D.B. Criminal Appeal No. 245/2026

Bhura S/o Pancham, Resident of Village Kodhapura, P.s. Garhi Bajna, District Bharatpur (Raj.) (At Present In Central Jail Bharatpur).

----Accused-Appellant

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

For Petitioner(s) : Mr. R B Mathur, Sr. Adv. assisted by
Mr. Manish Bhodiwal &
Mr. Utsav Verma
Mr. Satyapal Poshwal with
Ms. Abhilasha Choudhary

For Respondent(s) : Mr. Rhishi Raj Singh Rathore, PP
with Mr. Vinod Kumar Sharma

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

03/09/2026

These suspension of sentence applications under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 have been filed by the accused-applicants (for brevity, "the applicants") alongwith the appeal. The applicants have been convicted and sentenced by the learned Additional Sessions Judge No. 1, Bayana, District Bharatpur (for short, 'the learned trial Court') vide judgment dated 13.05.2026 passed in Sessions Case No.57/2021 (100/2018) (23/2015) (CIS No.19/2015) as under:-

> 1. **Under Section 302/149 IPC**: Life imprisonment and fine of ₹25,000/-; in default whereof, six months' additional simple imprisonment.
>
> 2. **Under Section 325/ 149 IPC**: Five years' simple imprisonment and fine of ₹10,000/-; in default whereof, three months' additional simple imprisonment.
>
> 3. **Under Section 323/149 IPC**: One year's simple imprisonment and fine of ₹1,000/-; in default whereof, fifteen days' additional simple imprisonment.
>
> 4. **Under Section 427/149 IPC**: Two years' simple imprisonment and fine of ₹2,000/-; in default whereof, one month's additional simple imprisonment.

5. **Under Section 452 IPC**: Five years' simple imprisonment and fine of ₹10,000/-; in default whereof, three months' additional simple imprisonment.

6. **Under Section 148 IPC**: Three years' simple imprisonment and fine of ₹2,500/-; in default whereof, one month's additional simple imprisonment.

All the substantive sentences to run concurrently.

Learned Senior counsel for the applicants in **D.B. Criminal Misc. Suspension of Sentence Application No. 1322/2026** submits that the they were not charge-sheeted by the Investigating Agency; rather, were arrayed as accused under Section 319 Cr.P.C. He submits that as per the postmortem report (Ex. P1) of the body of the deceased-Dinesh, he has received six injuries out of which, four were found to be simple in nature and cause of death was head injuries which have not been attributed to them. He also contended that although, it was alleged that applicants Pappu and Jitendra were carrying a *farsa* (a sharp edged weapon); but, there was no recovery from them. He asserted that the allegation against the applicant Naresh is of inflicting a *farsi* blow on the head of Smt. Ram Bharosi; but, the injury has been found to be simple in nature. Learned Senior counsel canvassed that the applicants were on bail during trial with no allegation of its misuse, hearing of the appeal is likely to take time and prays for suspension of substantive sentence awarded to them.

Learned counsel for the applicant-Bhura S/o Pancham in **D.B. Criminal Misc. Suspension of Sentence Application No. 1207/2026** submits that allegation against him is of carrying a

lathi without any allegation of causing any injury either to the deceased or to the injured Smt. Ram Bharosi. He further submits that he was on bail during the trial with no allegation of its misuse, hearing of the appeal is likely to take time and prays for suspension of substantive sentence awarded to him.

Per contra, learned Public Prosecutor, opposed the prayer.

Heard. Considered.

The applicants have been convicted under Section 302 IPC with the aid of Section 149 IPC. Indisputably, the fatal injuries to the deceased-Dinesh have not been attributed to any of the applicants. The applicants namely Pappu, Naresh and Jitendra were not charge-sheeted by the Investigating Agency; but, were arrayed as accused under Section 319 Cr.P.C. The applicants were on bail during the trial with no allegation of its misuse. It cannot be denied that hearing of appeals may take time. In the conspectus of aforesaid analysis, we deem it just and proper to allow the suspension of sentence applications.

Accordingly, the suspension of sentence applications are allowed. Substantive sentence awarded to the applicants namely **Pappu @ Dal Chand S/o Bhullan, Naresh S/o Mahesh Chand, Jitendra S/o Roop Singh & Bhura S/o Pancham** by the learned trial Court vide judgment dated 13.05.2026 shall remain suspended during pendency of the appeals and they shall be released on bail provided each of them furnishes bail bonds to the satisfaction of the learned trial Court to the effect that they shall appear before this Court on or before 05.10.2026 and as and when called upon to do so till disposal of the appeals and subject to the following conditions:-

1. That they will appear before the learned trial Court in the month of January of every year till the appeals are decided.
2. That if the applicants change the place of residence, they will give in writing their changed address(es) to the learned trial Court as well as to their learned counsel in the High Court who shall, in turn, inform this Court.
3. Similarly, if the sureties change their address(es), they will give in writing their changed address to the learned trial Court.

The learned trial Court shall keep the record of attendance of the accused-applicants in a separate file(s). Such file(s) be registered as Criminal Misc. Case relating to original case in which the accused-applicants were tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file(s) shall not be taken into account for statistical purpose relating to pendency and disposal of the cases in the learned trial Court. In case, the said accused-applicants do not appear before the learned trial Court, the learned trial Judge shall report the matter to the High Court for cancellation of benefit extended by this order.

(PRAVEER BHATNAGAR),J (MAHENDAR KUMAR GOYAL),J

21-22/Tahir