

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Application for Suspension of Sentence No.56/2026

IN

S.B. Criminal Revision Petition No. 232/2026

Jawana Ram S/o Praga Ram, Aged About 64 Years, Resident Of
Oda, Police Station Barloot, District Sirohi, (Raj.)

-----Petitioner

Versus

State Of Rajasthan, Pp

-----Respondent

For Petitioner(s)	: Mr. Kuldeep Sharma
For Respondent(s)	: Mr. Surendra Bishnoi, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

25/02/2026

1. The instant application for suspension of sentence under Section 438 read with Section 442 of the BNSS, 2023 has been moved on behalf of the petitioner-applicant in the matter of judgment dated 31.05.2019 passed by the learned Judicial Magistrate, Bhadra in in Criminal Case No.784/2011, whereby he was convicted and sentenced as under :-

Offence for which convicted	Sentence of imprisonment	Fine	Sentence in default of payemnt of fine
Section 279 IPC	6 months' S.I.	Rs.1,000/-	15 days' S.I.
Section 337 IPC	6 months' S.I.	Rs.500/-	15 days' S.I.
Section 304A IPC	2 years' S.I.1	Rs.2,000/-	1 month's S.I.

The appeal preferred against the aforesaid judgment stood dismissed by the learned Additional Sessions Judge, Sirohi vide

judgment dated 03.02.2026 passed in Criminal Appeal No.12/2024 (CIS No.63/2024).

2. It is contended on behalf of the applicant that the learned trial Judge has not appreciated the correct, legal and factual aspects of the matter and thus, reached at an erroneous conclusion of guilt, therefore, the same is required to be appreciated again by this court. Hearing of the revision is likely to take long time, therefore, the application for suspension of sentence may be granted.

3. Per contra, learned public prosecutor has vehemently opposed the prayer made on behalf of the accused-applicant for releasing the petitioner on application for suspension of sentence.

4. Heard learned counsel for the parties and perused the material available on record.

5. Considering the submissions of learned counsel for the parties and looking to the totality of facts and circumstances of the case, more particularly the facts that upon perusal of the judgments passed by the court of first instance and the appellate court i.e. learned Motor Accidents Claim Tribunal, whereby the claim of victim was dismissed by a detailed judgment dated 19.02.2020. The issue No.1 in that claim petition was whether the accident took place as a necessary consequence of rash and negligent driving of the petitioner and that was decided in favour of the petitioner who is against the claimant. The findings of civil Court may prevail or can be taken into consideration for criminal proceedings. Thus the argument remains that both the Courts

below have failed to appreciate the legal aspects of the matter and have also erred in finding the petitioner guilty for rash driving. The hearing of revision is likely to take further more time and considering the overall submissions while refraining from passing any comments on the niceties of the matter and the defects of the prosecution as the same may put an adverse effect on hearing of the revision, this court is of the opinion that it is a fit case for suspending the sentence awarded to the accused-petitioner.

6. Accordingly, the application for suspension of sentence filed under 438 read with Section 442 of the BNSS, 2023 is allowed and it is ordered that the sentence passed by learned trial court, the details of which are provided in the first para of this order, against the appellant-applicant named above shall remain suspended till final disposal of the aforesaid revision. He is not in judicial custody and he need not surrender back. He shall execute a personal bond in the sum of Rs.50,000/-with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge and whenever ordered to do so till the disposal of the revision on the conditions indicated below:-

(1) That he will appear before the trial Court in the month of January of every year till the revision is decided.

(2) That if the applicant changes the place of residence, he will give in writing his changed address to the trial Court as well as to the counsel in the High Court.

(3) Similarly, if the sureties change their addresses, they will give in writing their changed address to the trial Court.

7. The learned trial Court shall keep the record of attendance of the accused-applicant in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the accused-applicant was tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file shall not be taken into account for statistical purpose relating to pendency and disposal of cases in the trial court. In case the said accused applicant does not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.

(FARJAND ALI),J