

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

S.B. Criminal Misc. Suspension of Sentence Application
No.61/2026

in

S.B. Criminal Revision Petition No. 269/2026

Vishnu Tatiya S/o Bhagirath Tatiya, Aged About 64 Years, R/o 91
B Block Sriganganagar

-----Petitioner

Versus

The State, Through Spl. Pp Cbi Jodhpur

-----Respondent

For Petitioner(s)	:	Mr. Umesh Kant Vyas
For Respondent(s)	:	Mr. P.C. Solanki, for CBI

HON'BLE MR. JUSTICE FARJAND ALI

Order

25/02/2026

1. This application has been filed on behalf of the petitioner seeking suspension of sentence during the pendency of the present criminal revision petition preferred under Sections 397/401 Cr.P.C. against the judgment dated 05.02.2026 passed by the learned Addl. Sessions Judge No.6, Jodhpur Metro in Criminal Appeal No. 10/2012 (NCV No. 470/2014), whereby the appeal was dismissed and the judgment dated 22.07.2005 passed by the learned Addl. Chief Judicial Magistrate (CBI Cases), Jodhpur in Criminal Original Case No. 29/99 was affirmed, convicting the petitioner for the offences under Sections 120-B read with 420, 467, 468 and 471 IPC and also under Sections 420 and 471 IPC and sentencing him to undergo various terms of imprisonment,

the maximum being three years' rigorous imprisonment along with fine.

2. On 18.02.2026, this court had directed the petitioner to surrender before the trial court to honor the warrant of sentence issued against him. In pursuance thereof, he has surrendered before the trial court and is in custody.

3. Learned counsel for the petitioner submits that the conviction is primarily based on documentary evidence; that several prosecution witnesses have not supported the prosecution case and some have been declared hostile; that material contradictions and deficiencies in investigation have not been properly appreciated by the courts below; and that the petitioner remained on bail during the trial and appellate proceedings and did not misuse the liberty so granted. It is, therefore, prayed that the sentence awarded to the petitioner may be suspended during pendency of the revision petition.

4. Per contra, learned counsel for the respondent-State has opposed the prayer made by learned counsel for the petitioner for releasing him on application for suspension of sentence.

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

6. Considering the submissions advanced at bar, grounds raised in the memo of the revision petition and looking to the totality of facts and circumstances of the case, particularly the fact that the maximum sentence awarded is three years' rigorous imprisonment and the petitioner remained on bail during the trial and appeal

without misuse of liberty, while refraining from passing any comments on the merits of the case as the same may adversely affect the hearing of the revision petition, this Court is of the opinion that it is a fit case for suspending the sentence awarded to the accused-petitioner.

7. Accordingly, the application for suspension of sentence filed under Section 397/401 CrPC is allowed and it is ordered that the sentence passed by learned trial court and affirmed by the appellant court against the petitioner-applicant named above shall remain suspended till final disposal of the aforesaid criminal revision petition and he shall be released on bail provided he executes 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 for his appearance in this court whenever ordered to do so till the disposal of the revision petition 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 petition 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 address(s), they will give in writing their changed address to the trial Court.

(FARJAND ALI),J