

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

S.B. Criminal Suspension of Sentence Application No.66/2026

in

S.B. Criminal Revision Petition No. 286/2026

Sikandar S/o Bhure Khan Pathan Musalman, Aged About 45 Years, Resident Of Gomana, Thana Chhotisadari, District Pratapgarh, Rajasthan (At Present Lodged In Central Jail Udaipur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Ms. Sarika Bishnoi

For Respondent(s) : Mr. SR Choudhary, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

23/02/2026

1. The instant application for suspension of sentence has been moved on behalf of the applicant in the matter of judgment dated 19.07.2024 passed by the learned Chief Judicial Magistrate, Chittorgarh in Regular Criminal Case No.24/2020 whereby he was convicted and sentenced to suffer maximum imprisonment of 2 years under Section 379 of IPC with a fine of Rs.1,000/- in default of fine further to undergo 15 days' SI and against the judgment dated 13.02.2026 passed by learned Session Judge, Chittorgarh, in Criminal Appeal No.121/2024 whereby learned appellant court partly allowed the appeal and affirm the judgment passed by learned trial court and reduced the sentence from 2 years to 1 year for the offence under Section 379 of IPC.

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 and 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 Section 397/401 Cr.P.C. 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 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 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