

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

D.B. Criminal Misc Suspension Of Sentence Application (Appeal)
No. 386/2024

1.

Gangaram S/o Shri Naru Gadri, Aged About 42 Years.
2.

Kaluram S/o Shri Ganga Ram Gadri, Aged About 21 Years.
3.

Tulsiram S/o Shri Ratu Gadri, Aged About 45 Years.
4.

Smt. Nathi Devi W/o Shri Gangaram Gadri, Aged About 40 Years.
All R/o Majhawas Ka Kheda @ Guman Singhji Ka Kheda,
Police Station Gangapur, Dist. Bhilwara.
5.

Nanalal @ Nanuram S/o Shri Kishna Gadri, Aged About 45
Years R/o Amarpura P.S. Railmagra, District Rajsamand

(All are Presently Lodged At Dist. Jail, Bhilwara)

----Applicants

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	: Mr. Sanjay Mathur Mr. Harshit Goyal Mr. Manoj Kumar Pareek
For Respondent(s)	: Mr. CS Ojha, PP

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE ANAND SHARMA

Order

11/12/2025

1. Heard learned counsel for the parties.
2. The present application has been filed by the applicants under section 389 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') (430 of the Bhartiya Nagrik Suraksha Sanhita, 2023) seeking suspension of sentence awarded to them by the learned Additional Sessions Judge, Gangapur,

District Bhilwara (hereinafter referred to as 'trial Court') vide judgment dated 05.03.2024 passed in Session Case No.22/2015(34/14), whereby following sentences have been awarded against the accused-applicants.

S.No	Offence	Sentence	Fine
1.	147 of IPC	One Year S.I.	To pay a fine of Rs.1,000/-; in default thereof to further undergo Fifteen days' simple imprisonment
2.	148 of IPC	Two years S.I.	To pay a fine of Rs.1,000/-; in default thereof to further undergo Fifteen days' simple imprisonment
3.	149 of IPC	-----	To pay a fine of Rs.2,000/-; in default thereof to further undergo Fifteen days' simple imprisonment
4.	323 of IPC	Three months S.I.	To pay a fine of Rs.5,00/-; in default thereof to further undergo Seven days' simple imprisonment
5.	341 of IPC	-----	To pay a fine of Rs.5,00/-; in default thereof to further undergo Seven days' simple imprisonment
6.	308 of IPC	Seven Years R.I.	-----
7.	302 of IPC	Life Imprisonment	To pay a fine of Rs.5,000/-; in default thereof to further undergo Three months Rigorous imprisonment

2. The present application seeking suspension of sentence has been filed by the applicants on the ground that on account of some heated altercation between the parties, the incident occurred in which the complainant party sustained injuries. The injuries sustained by the deceased – Nandram are on non vital

part and even as per the injury report, the same are shown to be on the legs of the deceased – Nandram.

3. Learned counsel submits that the even as per the statement of the PW-27 – Dr. Chhail Bihari, the injuries caused to deceased - Nandram are not sufficient to cause death in the ordinary course.

4. Learned counsel further submits that the deceased was admitted in the hospital on 29.12.2013 and he was got discharged from the hospital on 23.01.2014 without permission of the doctors. Ultimately, the deceased died on 31.01.2014. He submits that the applicants were on bail during trial.

4. Learned Public Prosecutor has opposed the application seeking suspension of sentence.

5. We have considered the submissions made at the Bar and perused the record of the case.

6. The fact that the agriculture lands of the applicants and the complainant are situated close to each other. On a trivial issue, the incident occurred in which the deceased – Nandram received injuries on his legs. Thereafter, he was admitted to the hospital, however, the family members of deceased - Nandram got him discharged from the hospital against the medical advice and he died after almost one and half month from the date of incident. The injury report as well as the statement of PW-27 clearly show that the injuries sustained by the deceased – Nandram were not sufficient to cause death in the ordinary course.

7. Considering the entirety of the facts and circumstances of the case, the application seeking suspension of sentence filed by the applicants is hereby allowed. It is ordered that the sentence passed by the learned Additional Sessions Judge, Gangapur

District Bhilwara vide judgment dated 05.03.2024 in Session Case No.22/2015(34/2014) against the applicant – 1. Gangaram S/o Shri Naru Gadri, 2.Kaluram S/o Shri Ganga Ram Gadri, 3.Tulsiram S/o Shri Ratu Gadri, 4.Smt. Nathi Devi W/o Shri Gangaram Gadri, 5.Nanalal @ Nanuram S/o Shri Kishna Gadri, shall remain suspended till final disposal of the aforesaid appeal and they shall be released on bail, provided they execute a personal bond in the sum of Rs.1,00,000/- each with two sureties of Rs.50,000/- each to the satisfaction of the learned trial Judge for his appearance in this Court on 20.01.2026 and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

- (i) That they will appear before the trial Court in the month of January of every year till the appeal is decided.
- (ii) That if the applicants changes the place of residence, they will give in writing his changed address to the trial Court as well as to the counsel in the High Court.
- (iii) Similarly, if the sureties change their address, 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-applicants 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.

8. Needless to state that the observations made hereinabove in relation to guilt or otherwise of the applicant is prima-facie opinion

considering the material to the extent necessary for the purpose of consideration of instant application. None of the parties shall rely upon the findings or observations made herein at the time of arguing final hearing of the appeal.

(ANAND SHARMA),J

(VINIT KUMAR MATHUR),J

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