

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Criminal Misc Suspension of Sentence Application No.76/2026
IN
S.B. Criminal Revision Petition No.- 313/2026

Shivdayal S/o Shri Dharam Singh, Aged About 32 Years, R/o Village Gurjar Baroda, Tehsil Bamanwas, Police Station Batoda, Districtt Sawai Madhopur, Rajasthan. (Presently Lodged At Dist Jail Churu)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Krishna Kumar S/o Unknown, R/o Pratapnagar, Pratapnagar Jaipur

-----Respondents

For Petitioner(s) : Mr. Ankush

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

HON'BLE MR. JUSTICE FARJAND ALI
Order

24/02/2026

1. The instant application for suspension of sentence has been moved on behalf of the applicant in the matter of judgment dated 08.04.2025 passed by the learned Additional Chief Judicial Magistrate, Ratangarh, District Churu, Rajasthan, in Criminal Regular Case No.267/2012 whereby he was convicted and sentenced as under :-

Offence for which convicted	Sentence of imprisonment	Fine	Sentence in default of payemnt of fine
279 IPC	3 months' SI	Rs.1000/-	10 days' SI
337 IPC	3 months' SI	Rs.500/-	10 days' SI
304A IPC	1 year's SI	Rs.5000/-	1 month' SI

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 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