

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

D.B. Criminal Misc Suspension Of Sentence Application (Appeal)
No. 488/2025

Lalit Singh S/o Shri Surendra Singh, Aged About 30 Years, R/o
Rewariya, P.s. Marwar Junction, Dist. Pali (Raj.) (At Present
Lodged At Dist. Jail, Pali)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Madan Lal S/o Shri Rampal, R/o Veer Durga Das Nagar,
Marwar Junction, P.s. Marwar Junction, Dist. Pali.

-----Respondents

For Petitioner(s)

:

Mr. D.S. Udawat
Mr. D.K. Godara
Mr. Manish Bhargav

For Respondent(s)

:

Mr. C.S. Ojha, PP

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

15/07/2025

1. The appellant-applicant herein has been convicted and sentenced as below vide judgment dated 03.03.2025 passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Pali in Sessions Case No.60/2014:

Offence	Sentence	Fine
302 IPC	Life Imprisonment	Rs.10,000/- and in default of which to further undergo 01 Year' R.I.
201 IPC	05 Years' R.I.	Rs.5,000/- and in default of which to further undergo 03 months' R.I.

2. The appellant-applicant has preferred the application for suspension of sentence under Section 389 Cr.P.C. for suspension of sentences during the pendency of the appeal and for release on bail.

3. Brief facts of the case are that the complainant made a complaint that his son Kanhaiya Lal, aged about 23 years, did not return home on the night of 04.02.2014 and also did not pick up his phone. The complainant further stated that in the morning at about 9 A.M., while searching for his son, he came to know about a dead body near Muktidham and upon reaching at the location, he discovered the deceased body of Kanhaiya Lal, with his face severely mutilated.

4. Learned counsel for the applicant-appellant submits that 15 prosecution witnesses have turned hostile, resulting in a complete collapse of the prosecution's circumstantial evidence. He further contends that the impugned judgment lacks any evidence of motive. The appellant-applicant was in custody throughout the trial.

4.1 Learned counsel further submits that FSL report does not establish any connection between the hair found in the hands of the deceased and the accused. He argues that in the absence of circumstantial evidence and motive, the prosecution's case cannot be considered fully proven.

5. Learned Public Prosecutor opposes the application for suspension of sentence. However, he could not point out any direct evidence linking the accused to the crime in question. He submits that there was a recovery of the seizure at the instance of the present accused, however, the same is recovered from a well.

5.1 Upon being asked as to whether there were any call details supported by a certificate under Section 65-B of the Indian Evidence Act, or any other evidence directly linking the accused to the incident, the learned Public Prosecutor failed to point out any specific finding in the judgment that establishes a direct connection between the appellant-applicant and the crime.

6. This Court looking to the facts that 15 prosecution witnesses have turned hostile, the FSL report does not link the accused to the crime, the absence of call detail records or other direct evidence connecting the appellant-applicant to the incident, the lack of established motive, and the fact that the seizure recovered from a well does not conclusively implicate the accused, deems it appropriate to suspend the substantive sentence of the appellant-applicant during the pendency of the appeal.

7. Accordingly, the instant application for suspension of sentence filed under Section 389 Cr.P.C. is allowed and it is ordered that substantive sentence passed by the learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Pali in Sessions Case No.60/2014, against the appellant-applicant, namely, **Lalit Singh S/o Shri Surendra Singh**, shall remain suspended till final disposal of the aforesaid appeal 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 learned trial Judge for his appearance in this court on **18.08.2025** and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:

1. That he will appear before the trial court in the month of January of every year till the appeal is decided.
2. That if the applicant change 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.

8. 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 relating 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 been taken into account for statistical purpose relating to pendency and disposal of the cases in the trial court. In case the said accused-applicant does not appear before the trial court, learned trial Judge shall report the matter to the High Court for cancellation of bail.

(SUNIL BENIWAL),J.

(DR.PUSHPENDRA SINGH BHATI),J.

21-Sudheer/-