

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

S.B. Criminal Misc Suspension of Sentence Application No.
500/2026

In

S.B. Criminal Appeal (Sb) No. 541/2026

1. Bheru Lal S/o Ganga Ram, Aged About 65 Years, R/o Arnoda, P.s. Sadar Nimbahera, Dist. Chittorgarh. (At Present Lodged At Dist. Jail Chittorgarh)
2. Ramchandra S/o Bheru Lal, Aged About 29 Years, R/o Arnoda, P.s. Sadar Nimbahera, Dist. Chittorgarh. (At Present Lodged At Dist. Jail Chittorgarh)
3. Mukesh S/o Bheru Lal, Aged About 33 Years, R/o Arnoda, P.s. Sadar Nimbahera, Dist. Chittorgarh. (At Present Lodged At Dist. Jail Chittorgarh)
4. Sampat Lal S/o Bheru Lal, Aged About 35 Years, R/o Arnoda, P.s. Sadar Nimbahera, Dist. Chittorgarh. (At Present Lodged At Dist. Jail Chittorgarh)
5. Ramesh Alias Phoriya S/o Onkar Lal, Aged About 23 Years, R/o Arnoda, P.s. Sadar Nimbahera, Dist. Chittorgarh. (At Present Lodged At Dist. Jail Chittorgarh)
6. Narayan Lal S/o Onkar Lal, Aged About 30 Years, R/o Arnoda, P.s. Sadar Nimbahera, Dist. Chittorgarh. (At Present Lodged At District Jail Chittorgarh)

----Appellants

Versus

State Of Rajasthan, Through Pp

----Respondent

For Appellant(s) : Mr. R.K. Charan

For Respondent(s) : Mr. N.S. Chundawat, PP

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

23/03/2026

1. Learned Public Prosecutor accepts notice on behalf of the respondent-State.
2. The present appeal is preferred by the accused-applicants aggrieved by the order of conviction and sentence dated 11.03.2026 passed in Sessions Case No. 31/2020 (CIS

No.41/2018) passed by learned Additional Session Judge No. 2 Nimbahera, District Chittorgarh.

3. Admit.

4. Call for record.

5. Heard on the application for suspension of sentence.

6. Learned counsel for the accused-applicants submits that the presence of injuries on the accused – applicants would clearly demonstrate that it is a case of free fight and the trial Court, while convicting the accused – applicants under Sections 148, 341, 323, 325 and 308 IPC has not considered such injuries. He also submits that he has a good case to succeed in the appeal. He further submits that there is no likelihood of the present appeal being heard and the accused – applicants have already been enlarged on bail during the pendency of trial.

7. Learned public prosecutor opposes the application for suspension of sentence.

8. Considering the background on which the incident occurred and also considering the injuries of the accused – applicants as well as the grant of bail during the trial, the application for suspension of sentence under Section 389 of Cr.P.C. (Section 430 of BNSS) is allowed and sentence of appellants accused - **Bheru Lal S/o Ganga Ram, Ramchandra S/o Bheru Lal, Mukesh S/o Bheru Lal, Sampat Lal S/o Bheru Lal, Ramesh Alias Phoriya S/o Onkar Lal and Narayan Lal S/o Onkar Lal** is suspended till disposal of appeal with the condition that each of them shall execute a personal bond in the sum of Rs.50,000/- each with two sureties of Rs.25,000/- by each accused-applicant

to the satisfaction of the learned trial Judge for their appearance in this court on **25.05.2026** and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

- i. That he/she/they shall appear before the trial Court as fixed by the Trial Court on first appearance. The next appearance shall be fixed with time gap of one year till the appeal is decided.
- ii. That if the applicant(s) changes the place of residence, he/she/they shall inform in writing his/her/their changed address to the trial Court as well as to the counsel in the High Court.
- iii. Similarly, if the sureties change their address(s), they will give in writing their changed address to the trial Court.

(MUNNURI LAXMAN),J