

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

S.B. Suspension Of Sentence(Revision) No. 116/2026

Rahul Garg S/o Prahlad Rai Garg, Aged About 35 Years, Salvi
Mohalla, Sinchai Nagar, Keer Kheda, Chittorgarh (Presently
Lodged At Dist. Jail Chittorgarh)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Rajesh Kumar Rawal
For Respondent(s)	:	Mr. Surendra Bishnoi, AGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

28/04/2026

1. The instant application for suspension of sentence has been preferred on behalf of the applicant-petitioner against the judgment dated 23.02.2026 passed by the learned Sessions Judge, Chittorgarh in Criminal Appeal No.57/2023 (CIS No.62/2023), whereby the appeal filed by the petitioner was partly allowed and while affirming the conviction recorded vide judgment dated 18.05.2023 passed by the learned Additional Chief Judicial Magistrate No.1, Chittorgarh in Criminal Regular Case No.1081/2021, the sentence was reduced from three years to one and a half years' simple imprisonment for the offence under Section 379 IPC.

2. Learned counsel for the petitioner submits that the courts below have erred in appreciation of evidence and that the findings recorded suffer from legal infirmities. It is contended that the

petitioner has a strong arguable case in the revision petition. It is further submitted that the sentence awarded is of short duration and the petitioner is in custody since 23.02.2026. It is also submitted that the hearing of the revision petition is likely to take considerable time.

3. Per contra, learned Public Prosecutor has opposed the application.

4. Heard learned counsel for the parties and perused the material available on record.

5. Having regard to the submissions made, the nature of allegations, the fact that the sentence has already been reduced by the appellate court to one and a half years, and further considering that the petitioner is in custody and the hearing of the revision petition is not likely to take place in the near future, this Court is of the opinion that it is a fit case for suspension of sentence. However, this Court refrains from making any observation on the merits of the case so as to avoid prejudice at the stage of final adjudication.

6. Accordingly, the application for suspension of sentence is allowed. It is ordered that the sentence awarded to the petitioner-applicant vide judgment dated 18.05.2023 passed by the learned Additional Chief Judicial Magistrate No.1, Chittorgarh in Criminal Regular Case No.1081/2021, as modified by the appellate court vide judgment dated 23.02.2026, shall remain suspended till final disposal of the revision petition. The petitioner shall be released on bail, provided he furnishes 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 court for his appearance before this Court as and when directed, subject to the following conditions:-

- (i) That the petitioner shall appear before the trial court in the month of January of every year till the revision petition is decided.
- (ii) That in case of change of residence, the petitioner shall intimate the changed address in writing to the trial court as well as to his counsel before this Court.
- (iii) That the sureties shall also inform the trial court in writing about any change in their addresses.

(FARJAND ALI),J