

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

S.B. Criminal Appeal No. 337/2016

Shahzad And Ors.

----Appellant

Versus

State

----Respondent

For Appellant(s) : Mr. Vineet Jain

For Respondent(s) : Mr. Sri Ram Choudhary, AGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

21/04/2026

1. The sentence awarded to the appellants had earlier been suspended by this Court, subject to the condition that they shall mark their presence before the learned trial Court once every year during the month of January.
2. It is reported that appellant No.1 Shahzad remained compliant with the said condition and regularly marked his attendance. However, appellant Nos.2, 3 and 4 namely Mohd. Aarif, Mohamed Khalid and Farooq failed to appear before the learned trial Court, thereby committing default and breaching the conditions upon which the indulgence of suspension of sentence had been granted.
3. Taking note of such non-compliance, a Coordinate Bench of this Court, vide order dated 21.01.2022, directed issuance of warrants of arrest against appellant Nos.2, 3 and 4 namely Mohd. Aarif, Mohamed Khalid and Farooq. Subsequently, another

Coordinate Bench, vide order dated 22.05.2025, appears to have directed issuance of warrants against appellant Nos.2, 3 and 4 namely Mohd. Aarif, Mohamed Khalid and Farooq. Prima facie, inclusion of appellant No.1 Shahzad who had been regularly appearing, appears to be the result of inadvertence, clerical omission, or oversight. Such manifest error cannot be allowed to perpetuate or operate to the prejudice of a compliant appellant.

4. Thereafter, yet another Coordinate Bench, vide order dated 23.03.2026, noticing that the warrants of arrest had not been executed till then, observed that in the event of continued non-execution by the next date, the concerned Superintendent of Police, shall remain personally present before this Court. Pursuant thereto, the Superintendent of Police, Chittorgarh forwarded a communication dated 20.04.2026 to the Government Advocate, apprising that no warrants of arrest had ever been received in the office concerned, nor were any such warrants pending execution there. Another communication of the same date was also transmitted by the Superintendent of Police, Nuh, (Haryana) to Shri Mahesh Kumar, Assistant Sub-Inspector, Police Station Nuh, Haryana citing paucity of time and administrative constraints resulting in inability to ensure compliance of the order and execution of the warrants.

5. Be that as it may, both the aforesaid communications shall be taken on record and made part of the case file. It is further noticed that the appellants are not residents of place Chittorgarh ; rather, their ordinary place of residence, as reflected in the

impugned judgment as well as the memo of appeal, falls within the territorial jurisdiction of District Nuh, Haryana.

6. Accordingly, fresh warrants of arrest be issued against appellant Nos.2, 3 and 4 namely Mohd. Aarif, Mohamed Khalid and Farooq and transmitted to the Superintendent of Police, District Nuh, Haryana, with a specific direction to ensure prompt execution thereof and to secure production of the said appellants before this Court on 27.07.2026. Compliance report be submitted positively on or before the next date fixed.

(FARJAND ALI),J