



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

D.B. Criminal Misc. II Suspension Of Sentence Application
(Appeal) No. 778/2026

Dailp Alias Dalipiya S/o Purna Ram, Aged About 33 Years, R/o
Village -Foga, Police Station -Bhaleri, District - Churu Raj.
(Presently Lodged At Central Jail, Bikaner)

-----Petitioner

Versus

State Of Rajasthan, PP

-----Respondent

For Petitioner(s)	:	Mr. Dharendra Singh, Sr. Adv. assisted by Ms. Priyanka Borana
For Respondent(s)	:	Mr. C.S. Ojha, PP

**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA**

Order

29/04/2026

1. Heard learned counsel for the parties.
2. The present second application for Suspension of Sentence has been filed after rejection of the first application for suspension of sentence by this court vide order dated 27.03.2026.
3. Learned Senior Counsel for the applicant-appellant vehemently submitted that the applicant-appellant has been falsely implicated in the present case and despite there being no credible evidence, the order of conviction has been passed. Learned counsel has reiterated all the submissions which were made while the first application for Suspension of Sentence was rejected by this court.

4. Learned Public Prosecutor opposed the submissions made before this Court by the learned Senior Counsel. He submits that the applicant-appellant has been specifically named in the First Information Report and attributed the firearm injuries. He further submits that the firearm injuries caused to the deceased get corroborated from the testimony of PW-1 Mamraj and PW-11 Dhannaram, who are the eye witnesses. Learned Public Prosecutor also submits that the statements of prosecution witnesses viz., PW-1 Mamraj and PW-11 Dhannaram get corroborated from the postmortem Report (Ex.-48). He submits that recovery of the firearm used in the present incident is also from the present applicant-appellant and the memo of recovery is Ex.-18. Learned Public Prosecutor further submits that applicant-appellant is a habitual offender, as 30 cases have been registered against him. He, therefore, prays that the applicant-appellant is not entitled for release by allowing this application for Suspension of Sentence.

5. We have considered the submissions made at the bar and gone through the relevant record of the case.

6. The clinching evidence in the shape of statements of PW-1 Mamraj and PW-11 Dhannaram clearly show that the firearm injury was caused by the present applicant-appellant. There is no reason to disbelieve the testimony of PW-1 Mamraj and PW-11 Dhannaram as they are eye witnesses of the incident. The statements of PW-1 Mamraj and PW-11 Dhannaram further get corroborated by the postmortem report (Ex.-48) and the recovery memo (Ex.-18). We further note that the statements of the prosecution witnesses PW-1 Mamraj and PW-11 Dhannaram are getting corroborated from the statement of PW-21 Dr. Rajesh

Gupta. As per the statement of PW-31 Arvind Kumar, the firearm recovered from the present applicant-appellant was one which was used in the present incident which gets fortification from the FSL Report Ex.-90-91.

7. Therefore, we are clearly of the view that the order passed by the learned trial Court convicting the applicant-appellant in the present case is based on cogent and reliable evidence.

8. The present second application for Suspension of Sentence is therefore dismissed.

(CHANDRA SHEKHAR SHARMA),J

(VINIT KUMAR MATHUR),J

36-chandani/-