

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

S.B. Criminal Appeal (SB) No. 1029/2026
CNR: RJHC010548102026
URN: CRLAS / 2302U / 2026

1. Jayanti Lal S/o Shri Laxman, Aged About 41 Years, Rastapal Fala Naya Gaon Kharpeda Police Station Dhambola District Dungarpur (At Present Lodged In Dist. Jail Dungarpur)
2. Sukhram S/o Shri Kamji, Aged About 24 Years, Rastapal Fala Naya Gaon Kharpeda Police Station Dhambola District Dungarpur (At Present Lodged In Dist. Jail Dungarpur)
3. Harish S/o Shri Kamji, Aged About 26 Years, Rastapal Fala Naya Gaon Kharpeda Police Station Dhambola District Dungarpur (At Present Lodged In Dist. Jail Dungarpur)
4. Kamlesh S/o Shri Alkha, Aged About 31 Years, Rastapal Fala Naya Gaon Kharpeda Police Station Dhambola District Dungarpur (At Present Lodged In Dist. Jail Dungarpur)

----Appellants

Versus

State Of Rajasthan, Through PP

----Respondent

For Appellant(s)	:	Mr. Manoj Kumar Pareek
For Respondent(s)	:	Mr. Shriram Choudhary, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

07/07/2026

S.B. Criminal Appeal (SB) No. 1029/2026:-

Admit.

S.B. Criminal Misc. Application for Suspension of Sentence

No.1007/2026:-

After arguing the matter for some time, learned counsel for the applicants-appellants sought permission to withdraw the present application for suspension of sentence qua applicant No.1,

namely, Jayanti Lal S/o Shri Laxman, with liberty to renew the prayer for suspension of sentence after a period of three months.

Accordingly, the application for suspension of sentence, insofar as it relates to applicant No.1 – **Jayanti Lal S/o Shri Laxman**, is **dismissed** as withdrawn with liberty as prayed for.

Heard learned counsel for the applicants-appellants Nos.2 to 4 and the learned Public Prosecutor on the application for suspension of sentence.

Drawing the attention of the Court to the impugned judgment of conviction and the material available on record, learned counsel for the applicants-appellants Nos.2 to 4 submitted that, as per the prosecution case, on 22.12.2021 at about 11:00 a.m., all the accused persons unlawfully entered the house of the complainant while shouting that she was a witch and, pursuant to a premeditated plan, assaulted her. Learned counsel submitted that, according to the prosecution itself, it was co-accused Jayanti Lal who inflicted the life-threatening injuries upon the complainant, whereas the present applicants-appellants Nos.2 to 4 are alleged to have assaulted her with kicks and fists. It was submitted that the applicants-appellants Nos.2 to 4 have been falsely implicated in the present case and that the allegation that they entered the complainant's house with a common intention to kill her is prima facie doubtful and suffers from apparent infirmities.

Learned counsel further submitted that the applicants-appellants Nos.2 to 4 remained on bail throughout the trial and never misused the liberty so granted. They have no criminal antecedents and there is no likelihood of their absconding or

fleeing from justice in the event the sentence awarded by the learned trial Court is suspended. It was also contended that, apart from the aforesaid grounds, several other substantial and arguable grounds are available to challenge the impugned judgment of conviction. Further, having regard to the heavy pendency of criminal appeals before this Court, the present appeal is not likely to be heard in the near future and, therefore, the sentence awarded to the applicants-appellants Nos.2 to 4 deserves to be suspended during the pendency of the appeal.

Per Contra, the learned Public Prosecutor opposed the submissions advanced on behalf of the applicants-appellants Nos.2 to 4 seeking suspension of sentence. However, he was not in a position to dispute the fact that, as per the prosecution case itself, the life-threatening injuries were allegedly inflicted upon the complainant by co-accused Jayanti Lal (applicant No.1). He was also unable to point out any apprehension that the applicants-appellants Nos.2 to 4 would abscond or flee from justice if the sentence awarded by the learned trial Court is suspended.

Upon consideration of the submissions advanced at the Bar and having regard to the facts and circumstances of the case as borne out from the record, particularly the fact that the applicants-appellants Nos.2 to 4 have no criminal antecedents, remained on bail throughout the trial without misusing the liberty granted to them, there is no apprehension of their absconding or fleeing from justice, and the hearing of the appeal is likely to consume considerable time owing to the heavy pendency of criminal appeals before this Court, this Court is of the opinion that it is a fit case for suspending the sentence awarded to the

applicants-appellants Nos.2 to 4 during the pendency of the present appeal.

Accordingly, the application for suspension of sentence filed under Section 430 BNSS is allowed and it is ordered that the sentence passed by the learned Sessions Judge, Dungarpur vide judgment dated 26.05.2026 passed in Sessions Case No.59/2022 (CIS No.59/2022) in so far as it relates to the appellants – applicants, namely, **(1) Sukhram S/o Shri Kamji, (2) Harish S/o Shri Kamji and (3) Kamlesh S/o Shri Alkha**, shall remain suspended till final disposal of the aforesaid appeal and they shall be released on bail, provided each of them execute 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 Judge for their appearance in this court on **10.08.2026** and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

1. That he/she/they will appear before the trial Court in the month of January of every year till the appeal is decided.
2. That if the applicant(s) changes the place of residence, he/she/they will give in writing his/her/their 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.

The learned trial Court shall keep the record of attendance of the accused- applicant(s) in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the accused-applicant(s) was/were tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file shall not be taken into account for statistical purpose

relating to pendency and disposal of cases in the trial court. In case the said accused- applicant(s) does not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.

(KULDEEP MATHUR),J