

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

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 1401/2025
CNR: RJHC010630532025
URN: SOSA / 2840U / 2025

1. Data Ram S/o Manohar Lal, Aged About 35 Years,
2. Santosh S/o Purna Ram, aged about 42 years,
both R/o Thukariyasat, Tehsil Sri Dungargarh, District Bikaner.
(Lodged In Central Jail Bikaner)

----Petitioners

Versus

State Of Rajasthan, Through Pp

----Respondent

Connected With

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 1271/2025
CNR: RJHC010613142025
URN: SOSA / 2601U / 2025

Jawahar Singh S/o Raj Singh, Aged About 50 Years, R/o Dingal,
Police Station Beri, Dist. Jhajhar, Haryana. (At Present Lodged In
Central Jail, Bikaner)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. J.S. Choudhary, Sr. Adv. with Mr. Pradeep Choudhary Mr. Jai Kishan Suthar
For Respondent(s)	:	Mr. Narendra Singh, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

14/07/2026

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

Learned counsel for the appellants-applicants submitted that, on 07.04.2011, one Rajpal Singh lodged a missing person report at Police Station Shri Dungargarh stating that his daughter had left the house without informing any family member. It was further reported that, upon making inquiries from the residents of the locality, he was informed that the victim had been seen travelling with certain persons in a Tata Indica car bearing Registration No. HR-61-6886. Subsequently, on the basis of the said missing person report, the present FIR came to be registered.

Drawing attention of the Court towards the record of the case as well as the impugned judgment, learned counsel submitted that, during the course of investigation, after the victim was recovered, she alleged that she had been forcibly abducted and subjected to sexual assault by Dataram, Santosh Kumar, Jawahar Singh, Dungar Singh and Vijju. However, after completion of the investigation, the police did not file a charge-sheet against Dungar Singh and Vijju, thereby indicating that the investigating agency itself did not find the entire version of the victim to be substantiated.

Learned counsel further submitted that the learned trial Court, while recording the conviction, failed to appreciate that although the victim, in her deposition before the trial Court, alleged that she had been subjected to forcible sexual assault and physical assault by the accused persons, the doctor who medically

examined her categorically deposed that no external or internal injuries were found on her body during the medical examination.

Learned counsel also submitted that PW-1 Jeevraj, in whose hotel the victim was allegedly confined against her will, did not support the prosecution case and was declared hostile. It was further contended that the learned trial Court convicted the appellants-applicants without properly scrutinising the testimony of PW-2, PW-3, PW-4, PW-5 and PW-7, who are closely related to the victim and the complainant and are, therefore, interested witnesses.

Lastly, learned counsel submitted that the appeal raises several substantial and arguable issues requiring detailed consideration at the time of final hearing. However, having regard to the heavy pendency of criminal appeals before this Court, the appeal is not likely to be heard in the near future. It was further contended that the appellants-applicants have no criminal antecedents and that there is no likelihood of their absconding or fleeing from justice if the substantive sentence awarded by the learned trial Court is suspended during the pendency of the appeal.

Per contra, learned Public Prosecutor opposed the submissions advanced on behalf of the appellants-applicants and contended that the application seeking suspension of sentence deserves to be rejected.

Having given thoughtful consideration to the submissions advanced at the Bar and upon perusal of the material available on record, this Court is of the opinion that the present case is fit for suspension of sentence. While arriving at the said conclusion, this

Court has taken into consideration the fact that the appellants-applicants have no criminal antecedents, there is no material indicating any likelihood of their absconding or fleeing from justice if released on bail, and the appeal is not likely to be heard in the near future owing to the heavy pendency of criminal appeals before this Court.

Accordingly, the application for suspension of sentence filed under Section 430 BNSS (389 Cr.P.C.) is allowed and it is ordered that the sentence passed by the learned Special Judge, SC/St (Prevention of Atrocities Cases), Bhilwara vide judgment dated 26.11.2024 in Sessions Case No.99/2019 (CIS No.100/2019) against the appellants- applicants **(1) Data Ram S/o Manohar Lal (2) Santosh S/o Purna Ram and (3) Jawahar Singh S/o Raj Singh**, shall remain suspended till the final disposal of the aforesaid appeal and he shall be released on bail, provided each of them executes 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 **18.08.2026** 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