

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

D.B. Criminal Misc Suspension Of Sentence Application (Appeal)
No. 1901/2025

1. Mahendra Singh S/o Shri Shaitan Singh, Aged About 31 Years, R/o Aanta, Police Station Ramsar, District Barmer
2. Daksha W/o Shri Veer Singh, Aged About 36 Years, R/o Sodhon Ki Basti, Hathma, Police Station Ramsar District Barmer

(Lodged In Dist. Jail, Jodhpur)

-----Petitioners

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Satya Prakash Sharma
For Respondent(s)	:	Mr. Sharwan Singh Rathore, PP

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

Order

24/02/2026

1. Heard learned counsel for the parties.
2. The present application has been filed by the applicants-appellants under Section 430 BNSS seeking suspension of sentence awarded to them by the learned Additional District & Sessions Judge No.2, Barmer in Sessions Case No.94/2024 vide judgment dated 21.08.2025, whereby the applicants appellants have been convicted for the offence under Sections 302/34 and 201/24 of IPC.
3. Learned counsel for the applicants-appellants submits that the applicants-appellants have falsely been implicated in the present case as there is no direct evidence to implicate them for

the offence alleged in this case. Learned counsel submits that even the weapon recovered is not sharp edged. Learned counsel submits that the children of the deceased was very much present in the house but they were not interrogated by the prosecution and, therefore, the statements of PW.1 Kamal Singh, PW.2 Mohan Singh, PW.3 Sujaan Singh, PW.4 Tulchiram, PW.5 Sangaram, PW.6 Rajendra Singh & to PW.7 Chattar Singh cannot be relied upon being credible witnesses. Learned counsel submits that during trial, the applicant-appellant No.1 was on bail. He, therefore, prays that the present application for suspension of sentence may be allowed.

4. Per contra, learned Public Prosecutor submits that there are call details between both the applicants-applicants and as per the statements of PW.1 Kamal Singh, PW.2 Mohan Singh, PW.3 Sujaan Singh, PW.4 Tulchiram, PW.5 Sangaram, PW.6 Rajendra Singh & to PW.7 Chattar Singh, it has come on record that because of the illicit relationship between them, the incident had taken place to get rid off Veer Singh as an impediment to their relationship. He further submits that the recovery of weapon of offence was made on the information given by the applicant-appellant No.1 under Section 27 of the Evidence Act.

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

6. Considering the submissions made before us, we are of the view that PW.1 Kamal Singh, PW.2 Mohan Singh, PW.3 Sujaan Singh, PW.4 Tulchiram, PW.5 Sangaram, PW.6 Rajendra Singh & PW.7 Chattar Singh have categorically stated in their statements that the children of the deceased had stated that the applicant-

appellant No.1 Mahendra and their mother applicant-appellant No.2 Daksha have murdered their father Veer Singh. Further, from persual of the statements made in examination-in-chief by PW.1 Kamal Singh, PW.2 Mohan Singh, PW.3 Sujaan Singh, PW.4 Tulchiram, PW.5 Sangaram, PW.6 Rajendra Singh & PW.7 Chattar Singh, nothing contrary to the statements made by them is found. We further note that the recovery of weapon of offence on the information given by the applicant-appellant No.1 fortifies the prosecution case. From overall assessment of the record, it appears that there is ample material available on record, which shows the involvement of the present applicants-appellants for commission of the crime. Thus, we are not inclined to suspend the sentence of the appellant-applicant at this stage.

8. The present application for suspension of sentence is, therefore, dismissed.

(CHANDRA SHEKHAR SHARMA),J

(VINIT KUMAR MATHUR),J

41-SanjayS/-