

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Criminal Misc Suspension Of Sentence Application (Appeal)
No. 2074/2025

Krishna S/o Shri Ghanshyam, Aged About 26 Years, R/o
Mallatalai Behind The Gandhi Statue Gandhinagar, Harijan Basti,
Mallatalai Presently Rana Kachi Basti Ps Ambamata, Dist.
Udaipur, Raj. (Lodged In Central Jail Udaipur, Raj.)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. Firoz Khan.
For Respondent(s) : Mr. C.S.Ojha, PP

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

Order

23/03/2026

1. The present application has been filed by the applicant under Section 430 of BNSS, 2023 read with 389 of the Cr.P.C. seeking suspension of sentence awarded to him by the learned Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Cases), Udaipur (hereinafter referred to as 'trial Court') vide judgment dated 05.11.2024 passed in Session Case No.38/2018 (CIS No.168/2018), whereby following sentences have been awarded against the accused-applicant.

S.No	Offence	Sentence	Fine
1.	302/34 IPC	Rigorous Imprisonment for Life	To pay a fine of Rs.1,00,000/-; in default thereof to further undergo one year's additional rigorous imprisonment.

2.	323/34 IPC	One year rigorous imprisonment.	to pay a fine of Rs.1000/-; in default thereof to further undergo one month additional rigorous imprisonment.
3.	3/25 Arms Act	Three years rigorous imprisonment	to pay a fine of Rs.10,000/-; in default thereof to further undergo three months additional rigorous imprisonment.

2. Learned counsel for the applicant-appellant submits that in the case of co-accused Praveen Nanda @ Prince and Sunil Lot @ Bunty, their applications seeking suspension of sentence have been granted by a coordinate bench of this court vide orders dated 13.08.2025 and the case of the present applicant-appellant is similar to the case of the co-accused whose sentence has been suspended. He, therefore, prays that the sentence in the case of present applicant-appellant may also be suspended during pendency of the present appeal.

3. *Per contra*, learned Public Prosecutor opposed the present application seeking suspension of sentence, but he is unable to distinguish the case of the present applicant vis-a-vis the case of the co-accused persons whose sentences have already been suspended.

4. We have considered the submissions made at the Bar and have gone through the relevant record of the case.

5. In the considered opinion of this Court, without commenting on the merit and demerit of the case, this Court deems it appropriate to suspend the sentence of the applicant-appellant.

6. Accordingly, the application seeking suspension of sentence filed by the applicant-appellant is hereby allowed. It is ordered that the sentence passed by the learned Special Judge, Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities Cases), Udaipur vide judgment dated 05.11.2024 passed in Session Case No.38/2018 (CIS No.168/2018) against the applicant – **Krishna S/o Shri Ghanshyam** shall remain suspended till final disposal of the aforesaid appeal and he shall be released on bail, provided he executes a personal bond in the sum of Rs.1,00,000/- each with two sureties of Rs.50,000/- each to the satisfaction of the learned trial Judge for his appearance in this Court on 23.04.2026 and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

- (i) That he will appear before the trial Court in the month of January of every year till the appeal is decided.
- (ii) That if the applicant changes the place of residence, he will give in writing his changed address to the trial Court as well as to the counsel in the High Court.
- (iii) Similarly, if the sureties change their address, they will give in writing their changed address to the trial Court.

7. The learned trial Court shall keep the record of attendance of the accused-applicant in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the accused-applicant was 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 does not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.

8. Needless to state that the observations made hereinabove in relation to guilt or otherwise of the applicant is prima-facie opinion considering the material to the extent necessary for the purpose of consideration of instant application. None of the parties shall rely upon the findings or observations made herein at the time of arguing final hearing of the appeal.

(CHANDRA SHEKHAR SHARMA),J

(VINIT KUMAR MATHUR),J

38-AnilSingh/-