

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

D.B. Criminal Misc. Suspension Of Sentence Application (Appeal)

No. 2090/2025

1. Rajendra @ Raju S/o Balram, Aged About 34 Years, R/o Kotdi, P.s. Chechat, Dist. Kota,raj. (At Present Lodged Central Jail, Udaipur)
2. Ramnathi Bai W/o Balram, Aged About 54 Years, R/o Kotdi, P.s. Chechat, Dist. Kota,raj. (At Present Lodged In Central Jail, Udaipur)

----Applicants

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Manish Pitaliya

For Respondent(s) : Mr. Shrawan Singh Rathore, PP

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

HON'BLE MR. JUSTICE SANDEEP SHAH

Order

16/04/2026

1. Learned counsel for the applicant-appellants submits that in paragraph 6 of the order dated 12.05.2025, passed in D.B. Criminal Misc. Suspension of Sentence Application (Appeal) No. 604/2024, whereby the first application for suspension of sentence was dismissed, this Hon'ble Court recorded that, after investigation, the applicant-appellants were found to be involved in the alleged crime. It is contended that, in fact, the original

charge-sheet was filed only against one Shaitan Singh, and the present applicants were subsequently arrayed as accused in exercise of powers under Section 319 Cr.P.C. Learned counsel, therefore, seeks rectification of the said observation and submits that the same constitutes a sufficient ground for grant of suspension of sentence.

2. Learned Public Prosecutor has opposed the present application and submitted that the aforesaid judgment correctly reflects the involvement of all three accused persons, though the present applicants were impleaded at a later stage during trial, upon due appreciation of the evidence available on record. It is, thus, contended that there is no change in circumstances warranting interference with the earlier order dated 12.05.2025.

3. Heard learned counsel for the parties and perused the material on record.

4. This Court is of the considered opinion that the involvement of all three accused persons stands duly established on the basis of material available on record. Having regard to the heinous nature of the offence, this Court does not find it a fit case for grant of suspension of sentence at this stage.

4.1. This Court further observes that the statement in the earlier order to the effect that the applicant-appellants were found involved in the crime after investigation cannot be construed to mean that they were wrongly implicated. The matter has been comprehensively examined in paragraph 7 of the said order, upon due consideration of the statements of witnesses, seizure memos, site plan (Naksha Mauka), and other relevant material.

5. Thus, no case for interference is made out. Accordingly, application for suspension of sentence stands dismissed.

(SANDEEP SHAH),J

(DR.PUSHPENDRA SINGH BHATI),J

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