

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

D.B. Criminal Misc Suspension Of Sentence Application (Appeal)
No. 2234/2025

1. Gomaram S/o Chetanram, Aged About 39 Years, R/o Bhagu Ka Gav, police Station Sadar, district Jaisalmer,rajasthan (Lodged In District Jail,jaisalmer)
2. Damaram S/o Chetanram, Aged About 32 Years, R/o Bhagu Ka Gav,police Station Sadar,district Jaisalmer,rajasthan (Confined In District Jail,jaisalmer)
3. Damaram S/o Abhuram, Aged About 44 Years, R/o Pokar Ram Ki Dhani,basanpeer,dakshini,police Station Sadar,district Jaisalmer,rajasthan (Confined In District Jail,jaisalmer)

-----Petitioners

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. B.Ray Bishnoi
For Respondent(s)	:	Mr. Deepak Choudhary, AAG

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

Order

25/02/2026

Heard learned counsel for the parties.

2. The present application has been filed by the applicants-appellants under Section 430 of BNSS, 2023 (389 of the Cr.P.C.) seeking suspension of sentence awarded to him by learned Additional Sessions Judge, Jaisalmer (hereinafter referred to as 'trial Court') vide judgment dated 06.11.2025 passed in Session Case No.64/2022 whereby following sentences have been awarded against the accused-applicant.

S.No	Offence	Sentence	Fine
1.	120B r/w 302 IPC	Life Imprisonment	To pay a fine of Rs.10,000/-; in default thereof to further undergo six months' simple imprisonment
2.	302/34 IPC	Life Imprisonment	To pay a fine of Rs.10,000/-; in default thereof to further undergo six months' simple imprisonment
3.	323/34 IPC	One year of Simple Imprisonment	To pay a fine of Rs.1,000/-; in default thereof to further undergo one month's simple imprisonment

3. Learned counsel for the applicant-appellants submits that the present applicants have falsely been implicated in the present case and their case is not distinguishable from the case of those persons who though named in the first information report but has not been charge-sheeted. Learned counsel submits that even as per the statements of PW.1 & PW.2, role assigned to the present applicants also is similar to the one assigned to Purkha Ram, Jugta Ram, Gema Ram, Naina Ram, Ramesh and Chetan Ram and therefore, it is clear that the present applicants have falsely been implicated. Learned counsel further submits that during trial, the present applicants were on bail. He submits that there is no specific injury assigned to the present applicants. Learned counsel further submits that cause of death is actually the injury sustained by the deceased after the over run of the tractor driven by Raju Ram.

4. *Per contra*, learned Additional Advocate General has opposed the application for suspension of sentence.

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

6. 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-appellants.

7. Accordingly, the application for suspension of sentence filed by the applicant-appellants is hereby allowed. It is ordered that the sentence passed by the learned Additional Sessions Judge, Jaisalmer, vide judgment dated 06.11.2025 in Session Case No.64/2022 against applicant – (1) Gomaram S/o Chetanram, (2) Damaram S/o Chetanram, and (3) Damaram S/o Abhuram, shall remain suspended till final disposal of the aforesaid appeal and they shall be released on bail, provided each of them 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 27.03.2026 and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

(i) That they will appear before the trial Court in the month of January of every year till the appeal is decided.

(ii) That if the applicants change the place of residence, they 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.

8. The learned trial Court shall keep the record of attendance of the accused-applicants 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.

9. Needless to state that the observations made hereinabove in relation to guilt or otherwise of the applicants 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

40-T.Singh/-