

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D. B. Criminal Miscellaneous Second Application for Stay on
Conviction No. 895/2026

in

D.B. Criminal Appeal (Db) No. 5/2023
URN: CRLAD / 20U / 2023

Mahendra Singh Tanwar S/o Late Shri Sohan Singh, Aged About
65 Years, R/o Jaton Ka Mohalla Chomu, District Jaipur (At
Present Appellant Lodged In Central Jail Sewar Bharatpur)

-----Accused-Appellant-Applicant

Versus

State Or Rajasthan, Through Cbi Special Public Prosecutor

-----Respondent

For Appellant(s)	:	Mr. Swadeep Singh Hora, Advocate assisted by Ms. Varuni Agarwal, Advocate.
For Respondent(s)	:	Mr. Pradeep Kumar Chaudhary, Special Public Prosecutor (CBI).
For Complainant/Victim:	:	Mr. Dharmendra Kumar, Advocate and Ms. Anisha Yadav, Advocate on behalf of Mr. Kapil Gupta, Advocate.

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

06/07/2026

1. Heard on application for staying the order of conviction and sentence dated 16.11.2022 and 18.11.2022, respectively.
2. Counsel for the accused-applicant submits that the sentence imposed upon the accused-applicant has already been suspended by a Co-ordinate Bench of this Court vide order dated 28.04.2023. Counsel further submits that the accused-applicant retired from service in the year 2015 and was thereafter in receipt of a

provisional pension. Following the suspension of his sentence, the accused-applicant had previously moved an application seeking a stay on the order of conviction and sentence; however, as his provisional pension remained undisturbed at that juncture, the said application was dismissed as withdrawn vide order dated 21.02.2025. Counsel further submits that State Government vide order dated 23rd September, 2025 stopped even his provisional pension, and thereafter, since the fresh cause of action has arisen, the accused-applicant has filed this present application. Counsel further submits that the accused-applicant has also been exonerated in the departmental enquiry and after stoppage of his provisional pension, he is facing great hardship and if the order of conviction and sentence passed against the accused-applicant is not stayed, he would suffer irreparable loss.

3. In support of his contentions, counsel for the accused-applicant places reliance upon the following authorities:

i.	Rama Narang versus Ramesh Narang, 1995 2 SCC 513
ii.	Navjot Singh Sindhu versus State of Punjab, MANU/SC/0648/2007
iii.	Afjal Ansari versus State of U.P., (2024) 2 SCC 187
iv.	Rahul Gandhi versus Purnesh Ishwarbhai Modi & Anr., (2024) 2 SCC 595
v.	Hardik Bharatbhai Patel versus State of Gujarat (Supreme Court), Criminal Appeal No. 629/2022, Order dated 12.04.2022
vi.	Rotan Singh versus State of Rajasthan, D. B. Criminal Appeal No. 76/2023, Order dated 10.07.2024

vii.	Kaluram @ Kadu versus State of Rajasthan, D. B. Criminal Appeal No. 119/2023, Order dated 03.12.2025
viii.	Jawaharlal versus State of Rajasthan, D. B. Criminal Miscellaneous Stay Application No. 1030/2020, Order dated 26.04.2023
ix.	Ranjeet Kumar versus State of Rajasthan, D. B. Criminal Appeal No. 288/2023, Order dated 19.12.2024
x.	Dharamraj versus State of Rajasthan, S. B. Criminal Appeal No. 964/2018, Order dated 17.04.2026
xi.	Jagdish Mani Tripathi versus State of Uttar Pradesh, 2026 SCC OnLine All 2741

4. Learned Special Public Prosecutor assisted by learned counsel for the complainant opposed the present application and submitted that the accused-applicant has been convicted and sentenced for life imprisonment, and therefore, no case is made out to stay the order of conviction and sentence.

5. In support of their opposition, they relied on the following authorities:

i.	Shyam Narain Pandey versus State of Uttar Pradesh, (2014) 8 Supreme Court Cases 909
ii.	State of Punjab versus Deepak Mattu, (2007) 11 Supreme Court Cases 319

6. Heard counsel for the parties and perused the record.

7. Considering the facts and circumstance of the present case and also considering the facts; that the accused-applicant was on

bail during trial; that the sentence imposed upon the accused-applicant has already been suspended vide order dated 28.04.2023; that he has been exonerated in the departmental enquiry and considering his old age, we deem it just and proper to stay the order of conviction and sentence passed against the accused-applicant till the disposal of the appeal to avoid the hardship that has fallen upon the accused-applicant due to stoppage of his pension.

8. Accordingly, this application stands allowed, and consequently, the order of conviction and sentence dated 16.11.2022 and 18.11.2022 shall remain stayed pending the final disposal of the appeal.

(BHUWAN GOYAL),J

(INDERJEET SINGH),J