

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 75/2026

CNR: RJHC020040792026 | URN: SOSA / 173U / 2026

In

D.B. Criminal Appeal No.24/2026

Jogendra Singh @ Kalu S/o Natthusingh, Aged About 26 Years,
R/o Manaksas, Police Station Udaipurwati, District Jhunjhunu
(Rajasthan). (Presently Confined In District Jail Jhunjhunu).

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor.

----Respondent

For Petitioner(s)	:	Dr. Mithlesh Kumar
For Respondent(s)	:	Mr. Rhishi Raj Singh Rathore, PP

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

15/09/2026

This suspension of sentence application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the accused-applicant (for brevity, "the applicant") alongwith the appeal. The applicant has been convicted and sentenced by the learned Sessions Judge, Jhunjhunu (Rajasthan) (for short, 'the learned trial Court') vide judgment dated 09.10.2025 passed in Sessions Case No.23/2023 (CIS No.31/2023) as under:-

1. **Under Section 148 IPC:** Three years' rigorous imprisonment.
2. **Under Section 302 read with Section 149 IPC:** Life imprisonment and fine of Rs.50,000/-; in default whereof, two years' additional rigorous imprisonment.

3. Under Section 323 read with Section 149

IPC: One year's simple imprisonment.

Sentences to run concurrently.

Learned counsel for the applicant submits that he has been convicted under Section 302 IPC with the aid of Section 149 IPC and remaining all other convicted co-accused have already been extended benefit of suspension of sentence by the Co-ordinate Benches of this Court and his case is not distinguishable from the case of those co-accused. He, therefore, prayed for benefit of suspension of sentence on parity.

Although, learned Public Prosecutor opposed the submissions but, could not dispute that all other convicted co-accused have already been extended benefit of suspension of sentence by the Co-ordinate Benches of this Court.

Heard. Considered.

The applicant has been convicted under Section 302 read with Section 149 IPC. From the material on record, it is reflected that all other convicted co-accused including Shankar Singh against whom there was allegation of inflicting fatal injury, has been extended benefit of suspension of sentence. Therefore, we are of the considered view that the applicant is also entitled for the suspension of sentence on parity.

Resultantly, the suspension of sentence application is allowed. Substantive sentences awarded to the applicant by the learned trial Court vide judgment dated 09.10.2025 shall remain suspended during pendency of the appeal and the applicant- **Jogendra Singh @ Kalu S/o Natthusingh**, shall be released on bail provided that he furnishes bail bonds to the satisfaction of the

learned trial Court to the effect that he shall appear before this Court on or before 15.10.2026 and as and when called upon to do so till disposal of the appeal and subject to the following conditions:-

1. That he will appear before the learned trial Court in the month of January of every year till the appeal is decided.
2. That if the applicant changes the place of residence, he will give in writing his changed address to the learned trial Court as well as to the learned counsel in the High Court who shall, in turn, inform this Court.
3. Similarly, if the surety(ies) change(s) his/their address(es), he/they will give in writing his/their changed address to the learned trial Court.

The learned trial Court shall keep the record of attendance of the accused-applicant in a separate file(s). Such file(s) be registered as Criminal Misc. Case relating 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(s) shall not be taken into account for statistical purpose relating to pendency and disposal of the cases in the learned trial Court. In case, the said accused-applicant does not appear before the learned trial Court, the learned trial Judge shall report the matter to the High Court for cancellation of benefit extended by this order.

(PRAVEER BHATNAGAR),J

(MAHENDAR KUMAR GOYAL),J