

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc Suspension Of Sentence Application No.
230/2026

in

D.B. Criminal Appeal No.325/2025

Dinesh S/o. Harprasad, Resident Of Village Meghaya Police
Station Udyog Nagar, District Bharatpur (Raj.) (At Present
Confined In Central Jail, Bharatpur (Raj.)

----Applicant

Versus

State Of Rajasthan, Through P.P.

----Respondent

For Applicant(s)	:	Mr. Suresh Pareek, Sr. Advocate assisted by Mr. S.L. Sharma
For State	:	Mr. Rhishi Raj Singh Rathore, PP
For Complainant	:	Mr. Anurag Sharma with Mr. Akshat Sharma

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
HON'BLE MR. JUSTICE SAMEER JAIN

Order

24/02/2026

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 Additional Session Judge No.3, Bharatpur (for short 'learned trial Court') vide judgment dated 13.06.2025 passed in Sessions Case No.10/2018 as under:-

1. Under Section 148 IPC: Two years' simple imprisonment and fine of ₹2,000/-; in default whereof, fifteen days' additional simple imprisonment.

2. Under Section 341 IPC: Fifteen days' simple imprisonment and fine of ₹500/-; in default whereof, seven days' additional simple imprisonment.

3. Under Section 323/149 IPC: Three months' simple imprisonment and fine of ₹500/- in default whereof, seven days' additional simple imprisonment.

4. Under Section 302 & 302/149 IPC: Life imprisonment and fine of ₹50,000/- in default whereof, one year's additional simple imprisonment.

All the substantive sentences to run concurrently.

Learned Senior counsel for the applicant submits that while suspending the sentence of twelve co-accused, a Coordinate Bench of this Court in D.B. Criminal Misc. Suspension of Sentence Application No. 1464/2025 alongwith connected matters, vide its order dated 09.01.2026, expressed a doubt over credibility of the three eye-witnesses relied upon by the prosecution and the same reasoning applies with full force in the instant case as well. He further submits that the only distinguishing feature in between his case and the case of other co-accused is that he has been convicted under Section 302 IPC simplicitor whereas, rest others have been convicted under Section 302 IPC read with Section 149 IPC inasmuch as he was held to be author of the fatal injury; however, there is no corresponding recovery of the weapon of offence from his possession. Learned Senior Counsel submits that he was on bail during trial with no allegation of its misuse, hearing

of appeal is likely to take time and prays for suspension of sentence.

Per contra, learned Public Prosecutor, assisted by learned counsel for the complainant, opposing the prayer, submitted that the case of the applicant is distinguishable from the case of another twelve co-accused persons inasmuch as he has been held to be author of the fatal injury. He, therefore, prayed for dismissal of the application.

While suspending the sentence of twelve co-accused persons, a Co-ordinate Bench of this Court, in D.B. Criminal Misc. Suspension of Sentence Application No. 1464/2025 alongwith connected matters, vide its order dated 09.01.2026, has held as under:

"This Court finds substantial force in the submissions raised by the learned Senior Counsel and learned counsels for the applicants. Indisputably, the incident has taken place inside the house of some of the accused-applicants. However, a perusal of the site plan (Exhibit P-4) reflects that all the three eye witnesses were not present at the place of incident, as claimed by them but, at such places from where they could not have seen the incident occurring inside the house. Further, Shri Karan Singh (PW-3), father of the deceased has categorically deposed that S/Shri Shivram and Jawahar Singh came upon his calling. Therefore, prima-facie, deposition of all the three eye witnesses is rendered doubtful."

The aforesaid reasoning applies squarely to the instant case as well.

Further, although, the learned trial Court has found the applicant guilty of inflicting the fatal injury and has recorded his conviction under Section 302 IPC simplicitor; but, we find from the record that no weapon of offence was recovered at his instance.

Moreover, he was on bail during trial with absence of allegation of its misuse. Hearing of appeal is also not likely in near future.

From the conspectus of the aforesaid circumstances, we deem it just and proper to allow the application.

Accordingly, the suspension of sentence application is allowed. Substantive sentences awarded to the applicant by the learned trial Court vide judgment dated 13.06.2025 shall remain suspended during pendency of the appeals and they shall be released on bail provided each of them furnish bail bonds to the satisfaction of the learned trial Court to the effect that they shall appear before this Court on or before 25.03.2026 and as and when called upon to do so till disposal of the appeals 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 appeals are decided.
2. That if the applicant change the place of residence, he will give in writing his changed address(es) to the learned trial Court as well as to his learned counsel in the High Court who shall, in turn, inform this Court.
3. Similarly, if the sureties change their address(es), they will give in writing their changed address to the learned trial Court.

The learned trial Court shall keep the record of attendance of the accused-applicants in a separate file(s). Such file(s) be registered as Criminal Misc. Case relating to original case in which the accused-applicants were 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-applicants do 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.

(SAMEER JAIN),J

(MAHENDAR KUMAR GOYAL),J

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