

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 236/2026

In

S.B. Criminal Appeal No.289/2026

1. Lala @ Bharatraj @ Bharatram Son Of Ramkhiladi, Resident Of Jeerota, Police Station, Sapotra, District Karauli. (Presently Confined In Central Ajil, Sever, District Bharatpur)
2. Manoj Kumar Son Of Dharmilal, Resident Of Shekhpura, Police Station, Sapotra, District Karauli. (Presently Confined In Central Ajil, Sever, District Bharatpur)
3. Sandeep Son Of Murari Lal, Resident Of Gadkheda, Police Station, Gadhmora, District Karauli. (Presently Confined In Central Ajil, Sever, District Bharatpur)

----Appellants

Versus

The State Of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	Mr. Rajneesh Gupta with Mr. Rahul Sharma
For Respondent(s)	:	Mr. Sudesh Kumar Saini, PP with Mr. Navdeep Singh Mr. Narendra Prasad Meena

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Order

27/04/2026

Instant application for suspension of sentence has been preferred on behalf of the applicant-appellants under Section 430 of B.N.S.S. alongwith the appeal, to suspend the sentence awarded by the Court of learned Additional Sessions Judge, No.1, Gangapur City, *vide* its judgment dated 02.02.2026, in Sessions Case No.71/2015, whereby the applicant-appellants were

convicted for the alleged offence(s) & sentenced to undergo maximum period of five years simple imprisonment with fine.

Learned counsel for the appellants submits that the appellants remained in judicial custody from 17.12.2014 to 10.02.2015 during the course of trial, subsequently, enlarged on bail and, presently they are behind the bars since 02.02.2026. Counsel further submits that the prosecution witnesses, namely Shailender (PW-1), Satish (PW-2), Rameshwar (PW-3) and Hemu@Hemraj (PW-4), did not support the story of the prosecution and turned hostile. Counsel further contends that there are material contradictions in the statements of the other prosecution witnesses and the testimony of the injured witness, Mukesh, is not corroborated by any independent witness. It is pointed out that while the medical expert has opined injury No.2 to be grievous in nature, the Ex.P-19 has described the same as life-threatening, which creates inconsistency in the prosecution case. Counsel further submits that the learned Trial Court has not appreciated the evidence as well as facts & circumstances of the case holistically and the hearing of the appeal will take its own time to conclude, hence, the sentence awarded to the applicant-appellant may be suspended during the pendency of the appeal.

Per contra, learned Public Prosecutor and learned counsel for the respondent/complainant have vehemently opposed the application and submitted that the injured person, namely Mukesh, has made specific allegations against the appellants. Counsel further contended that these allegations stand duly corroborated by the testimony of Vijay (PW-12) as well as by the

medical expert (PW-7). Counsel further contended that the injured, Mukesh, sustained a fracture to the frontal bone, due to which he went through prolonged medical treatment and the appellants have served only about six months of custody out of his total sentence i.e. five years. Therefore, the application for suspension of sentence deserves to be dismissed.

Heard learned counsel for both the parties. perused the statement of the injured, namely Mukesh (PW-11), Medical Expert (PW-7) as well as injury report (Ex.P-7) & X-ray report (Ex.P-9) & the material made available on record.

Thus, without commenting upon the merits/demerits of the case and looking to the overall facts & circumstances of the case, this Court does not deem it appropriate to suspend the sentence awarded to the appellants.

Accordingly, the application for suspension of sentence is dismissed.

(VINOD KUMAR BHARWANI),J