

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Criminal Miscellaneous Application No.79/2026
(Suspension of Sentence)

IN

S.B. Criminal Revision Petition No. 297/2026

Gauri Shankar S/o Braj Kishore, R/o Village Mudhota, Police Station
Sewar, District Bharatpur, Raj. (Confined In Central Jail Bharatpur)

----Accused-Petitioner

Versus

1. State of Rajasthan through Public Prosecutor
2. Krishan Kumar S/o Late Shri Yogveer Singh, R/o Sunil Book
Center Wali Gali, Behind S.p. Office, Bharatpur, Raj.

----Respondents

For Petitioner(s)	:	Mr. Jagmohan Bhardwaj, Advocate
For Respondent(s)	:	Mr. Jaiprakash Tiwari, Public Prosecutor

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI
Order

25/02/2026 :

Instant application for suspension of sentence has been preferred on behalf of petitioner under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 alongwith the revision petition seeking suspension of the sentence awarded by the Court of Id. Additional Chief Judicial Magistrate, No.4, Bharatpur, vide judgment dt.19.12.2019, in Criminal Regular Case No.1572/2016, whereby the petitioner was convicted for the alleged offence(s) & sentenced to undergo the maximum period of two-years rigorous imprisonment with a fine. The said conviction & sentence were confirmed by the Court of Id. Additional Sessions Judge, No.4, Bharatpur, vide judgment dt.17.01.2026, in Criminal Appeal No.05/2020.

Learned counsel appearing for the petitioner contends that the petitioner was on bail during trial & appeal. Presently, he is in judicial custody. Counsel further contends that the judgments of

conviction & sentence passed by the Courts below, are totally based upon surmises and conjectures, and the revision petition is likely to take a long time to be decided. Hence, the sentence awarded to the petitioner should be suspended during the pendency of the revision petition.

Learned Public Prosecutor has strongly opposed the submissions made herein-above.

Considering the term of sentence, without commenting upon the merits of the case, and taking into account the arguments made at bar, this Court deems it just & proper to suspend the sentence awarded to the petitioner during the pendency of the revision.

Accordingly, this application for suspension of sentence is **allowed**. It is hereby ordered that the execution of sentence awarded to the petitioner, namely Gauri Shankar S/o Braj Kishore by the Id. Trial Court vide judgment dated 19.12.2019 and affirmed by the Id. Appellate Court vide judgment dated 17.01.2026, shall remain suspend during the pendency of the revision petition, subject to the condition that he shall deposit Rs.4,00,000/- by way of demand draft in the name of complainant/respondent No.2. He shall also furnish a personal bond of Rs.50,000/- alongwith two sureties of Rs.25,000/- each, to the satisfaction of the Id. Trial Court, with the condition that he shall appear before this Court on 25.03.2026 and thereafter, as and when directed.

Upon deposit of the aforesaid amount, the same shall be released and disbursed to the complainant/respondent No.2, subject to an undertaking that in the event the petitioner succeeds in the revision petition, the amount shall be returned to him with interest @ 6% per annum within a period of two weeks from the disposal of the revision petition.



A copy of this order be sent to the concerned trial Court for compliance.

(VINOD KUMAR BHARWANI),J

ASHOK