

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Suspension of Sentence Application
No.351/2026

IN

S.B. Criminal Appeal (Sb) No. 398/2026

Rakesh Kumar Katta Son Of Shri Janki Vallabh Katta, Aged About 55 Years, Resident Of 253, Champanagar, Gurjar Ki Thadi, Jaipur, Police Station Mansarovar, Jaipur The Then Junior Assistant, Office Of Chief Medical And Health Officer-I, Jaipur.

-----Appellant

Versus

State Of Rajasthan, Through Public Prosecutor.

-----Respondent

For Appellant(s) : Mr. Ashvin Garg, Adv.
For Respondent(s) : Mr. Manvendra Singh, PP

HON'BLE MR. JUSTICE CHANDRA PRAKASH SHRIMALI

Order

1.	Arguments Concluded On:	23.02.2026
2.	Judgment Reserved On:	23.02.2026
3.	Full Judgment/Operative Part Pronounced:	Full Order
4.	Pronounced On:	25.02.2026

1. Heard learned counsel for the applicant-appellant and learned Public Prosecutor on the application for suspension of sentence.
2. The applicant-appellant herein has been convicted for offences punishable under Section 7 of Prevention of

Corruption (Amendment) Act, 2018 vide judgment dated 10.02.2026 passed by learned Special Judge, Prevention of Corruption Act Cases, No.1, Jaipur Metropolitan-II in Criminal Regular Case No.06/2022 (CIS Session Case No.11/2022) and has been sentenced to maximum punishment of three years.

3. Learned counsel for the applicant submits that the sentence awarded to the applicant-appellant has already been suspended by the trial court for a month.

4. In support of his contentions, learned counsel for the applicant/appellant has relied upon the judgment of Hon'ble Supreme Court in the case of **Siddharth Jain vs. State (NCT) of Delhi through Commissioner of Police** reported in 2008 Cr.L.R.(SC) 366 wherein it has been observed as under:-

"6. It is a settled law that where the sentence is less or up to three years, the Courts should ordinarily grant bail to the accused because in view of the long pendency of the cases in the High Courts, a matter will come on Board after a long time and by that time the accused might have completed his sentence.

7. By way of advice, we deem it fit to say that in a number of similar orders passed by the same learned Judge refusing to grant bail in the cases where the maximum sentence is three years, this Court has interfered earlier also and granted bail to the accused. Keeping in view that this Court has interfered earlier also in such cases, this learned Judge should not pass such orders as it entails undue hardship to the litigant who has to approach this Court for getting bail and thus increases the burden of this Court.

8. In view of the above position, in our view, Appellant deserves to be released on bail during the pendency of the appeal in the High Court. By our order dated 08.01.2008, Appellant was given interim bail. The said order is made absolute till the appeal is finally decided by the High Court."

5. Learned Public Prosecutor has vehemently opposed the suspension of sentence application.

6. Upon a consideration of the arguments advanced on behalf of the applicant and having regard to the facts and circumstances as available on the record, this Court is of the opinion that it is a fit case for suspending the sentence awarded to the accused applicant during pendency of the instant appeal.

7. Accordingly, the application for suspension of sentence filed under Section 430 BNSS is allowed and it is ordered that the sentence passed by the learned Special Judge, Prevention of Corruption Act Cases, No.1, Jaipur Metropolitan-II vide judgment dated 10.02.2026 in Criminal Regular Case No.06/2022 (CIS Session Case No.11/2022) against the appellant-applicant **Rakesh Kumar Katta Son Of Shri Janki Vallabh Katta**, shall remain suspended till final disposal of the aforesaid appeal and he shall be released on bail, provided he executes a personal bond in the sum of Rs.1,00,000/-with two sureties of Rs.50,000/- each to the satisfaction of the learned trial Judge for his appearance in this court on 25.03.2026 and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

1. That he will appear before the 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 trial Court as well as to the counsel in the High Court.
3. Similarly, if the sureties change their address(s), he will give in writing their changed address to the trial Court.

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

(CHANDRA PRAKASH SHRIMALI),J