

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc Suspension Of Sentence Application No.
565/2025

in

D. B. Criminal Appeal No.376/2024

Mahaveer S/o Shri Bajranglal, Aged About 38 Years, R/o Housing Board Colony, Baran, Police Station Kotwali Baran, District Baran (Rajasthan).

(Presently Lodged In Central Jail, Kota).

----Accused-Appellant

Versus

State of Rajasthan, Through Public Prosecutor

----Respondent

For Petitioner(s)	:	Mr. Ankit Agarwal Mr. Ram Mohan Sharma Mr. Manender Singh Solanki
For Respondent(s)	:	Mr. Rajesh Choudhary, GA-cum-AAG with Mr. Aman Agarwal Mr. Vinod Kumar Sharma Ms. Neha Goyal Mr. S. Gaharana

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

10/03/2026

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 District and Sessions Judge No. 1, Baran (for short, 'the learned trial Court') vide judgment dated 29.08.2024 passed in Sessions Case No.06/2020 as under:-

Under Section 302 read with Section 34

IPC: Life imprisonment and fine of ₹50,000/- in default whereof, three months' simple imprisonment.

Learned counsel for the applicant submits that the deceased-Rukmani has expired on account of stab/incised wounds and as per prosecution case, the co-accused namely Dharamraj was carrying a sharp-edged weapon and was, therefore, author of the fatal injuries whereas, a *lathi* has been recovered from his possession. He further submits that the applicant was on bail during trial, hearing of the appeal is likely to take time and prays that his suspension of sentence application be allowed.

Learned GA-cum-AAG, assisted by learned counsel for the complainant, opposed the prayer.

Heard. Considered.

The applicant has been convicted, along with co-accused namely Jai Singh @ Reshu and Dharamraj, under Section 302 read with Section 34 IPC by the learned trial Court vide judgment impugned dated 29.08.2024. The suspension of sentence applications filed by the co-accused have been dismissed by a Co-ordinate Bench of this Court vide order dated 18.12.2024. The case of the applicant is not found to be distinguishable from their cases inasmuch as, as per the findings recorded by the learned trial Court, the murder was committed by all the accused in furtherance of their common intention. Moreover, their Lordships have, in the case of **Rajesh Upadhayay vs State of Bihar & Anr.; 2025 INSC 1468**, held that when, the accused are convicted under Section 302 read with Section 149 IPC, at the

stage of consideration of the suspension of sentence application, the High Court is not expected to examine their individual role.

In view of the gravity and nature of accusation against the applicant, we are not inclined to allow the application.

Resultantly, the application is dismissed.

(BHUWAN GOYAL),J

(MAHENDAR KUMAR GOYAL),J

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