



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Misc. 3rd Suspension Of Sentence Application No.
601/2026

In

S.B. Criminal Appeal No. 1940/2024

Rahul Jedia S/o. Late Shri Lalchand, Aged About 22 Years,
Resident Of 523, Shivaji Nagar, Kacchi Basti, Police Station
Bhatta Basti, Jaipur (Accused Appellants Confined At Central Jail
Alwar).

----Accused-Appellant

Versus

State Of Rajasthan, Through P.P.

----Respondent

For Appellant(s)	:	Mr. Bharat Sharma, Adv.
For Respondent(s)	:	Ms. Arti Sharma, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

07/05/2026

1. Heard learned counsel for the applicant-appellant as well as learned Public Prosecutor and perused the material available on record.
2. The applicant-appellant herein has been convicted for offences punishable under Sections 323, 341, 324/34 & 307/34 of IPC vide judgment dated 01.08.2024 passed by learned Additional Sessions Judge No.09, Jaipur Metropolitan-II (Raj.) in Sessions Case No.22/2021 (CIS No.392/2021) and has been sentenced to maximum punishment of eight years.
3. The second application for suspension of execution of sentence of the appellant was considered and dismissed on 08.10.2025. Learned counsel for the appellant submits that



perusal of the record of the appeal would reveal that appeal has not been listed before this Court thereafter. Thus, this third application for suspension of execution of sentence has been preferred on behalf of the appellant.

4. Learned counsel for the appellant submits that learned trial Court has erred in convicting and sentencing the appellant as mentioned above. Learned trial Court has not appreciated the evidence in right and correct perspective. He further submits that it is a case of a single injury and there is no allegation against the appellant to repeat the injury. He argues that appellant has suffered incarceration of almost 22 months and there are no criminal antecedents against the appellant. He further argues that looking to the large pendency of criminal appeals before this Court, there is no immediate prospect of being heard and disposed of this appeal in near future. He contends that possibility cannot be ruled out that by the time this appeal will be taken up for the final hearing, appellant would have served the entire sentence. He further contends that appeal against the conviction is statutory right and same will be frustrated, if appeal presented against the conviction is not heard and decided within a reasonable period. Reliance has been placed on the ratio laid down by Hon'ble Supreme Court in case of **Bhagwan Ram Shinde and Others v. State Of Gujarat**, reported in **(1999) 4 SCC 421**, wherein, it has been held that when a convicted person is sentenced to fixed period of sentence and when he files appeal under any statutory right, suspension of sentence can be considered by the appellate Court liberally unless there are exceptional circumstances,



therefore, third application for suspension of execution of sentence may be considered liberally.

5. Learned Public Prosecutor opposes the submissions made by the learned counsel for appellant. She submits that after dismissal of the second application for suspension of execution of sentence, there is no material change in circumstances.

6. Upon a consideration of the arguments advanced on behalf of the appellant as noted above and having regard to the facts and circumstances as available on the record, especially considering the observations made by Hon'ble Apex Court in the case of **Bhagwan Ram Shinde** (supra); appellant has suffered incarceration of almost 22 months, so also considering the fact that there is no immediate prospect of hearing and disposal of the appeal in near future as well as looking to the large pendency of criminal appeals before this Court and absence of criminal antecedents, but without making any comment on the merits/demerits of the case, this Court is of the opinion that the appellant has available to him strong grounds to assail the impugned judgment of conviction and sentence. Thus, it is a fit case for suspending the sentence awarded to the accused appellant during pendency of the instant appeal.

7. Accordingly, this third application for suspension of sentence filed under Section 430 of BNSS is allowed and it is ordered that the sentence passed by the learned Additional Sessions Judge No.09, Jaipur Metropolitan-II vide judgment dated 01.08.2024 in Sessions Case No.22/2021 (CIS No.392/2021) against the appellant-applicant **Rahul Jedia S/o. Late Shri Lalchand** 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 05.06.2026 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), they 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.

(ANIL KUMAR UPMAN),J