

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc Suspension Of Sentence Application (Appeal)
No. 655/2025

In

S.B. Criminal Appeal No.795/2025

Shanu Urf Shahanwaj S/o Shafat Khan, Aged About 34 Years,
R/o H.n. B-3, Indra Coloni P.s. Vigyan Nagar, Kota (At Present
Confined At Central Jail, Kota)

-----Petitioner

Versus

State Of Rajasthan, Through P.P.

-----Respondent

For Petitioner(s)	:	Mr. Abdul Kalam Khan
For Respondent(s)	:	Mr. Shree Ram Dhakar, PP

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI
Order

12/03/2026

Instant application for suspension of sentence has been preferred on behalf of the applicant-appellant under Section 430 of B.N.S.S. alongwith the appeal, to suspend the sentence awarded by the Court of learned Additional District & Sessions Judge No.3, Kota (Raj.) *vide* its judgment dated 10.03.2025 in Sessions Case No.225/2018, whereby the applicant-appellant was convicted for the alleged offence(s) & sentenced to undergo maximum period of seven years rigorous imprisonment with fine.

Learned counsel appearing on behalf of the applicant-appellant submitted that the applicant had remained in custody for a certain period during the course of the trial and was subsequently released on bail and, presently, he is behind the bars. Counsel further contended that there are substantial contradiction in the statements of the witnesses and the learned

Trial Court has not appreciated the facts & circumstances of the case holistically and hearing of this appeal will take it's own time, hence, the sentences awarded to the applicant-appellant may be suspended during pendency of the appeal.

Learned Public Prosecutor has vehemently opposed the submissions made hereinabove and submitted that the accused-appellant fired upon a police constable with a pistol, causing firearm injuries and, as per the opinion of the medical expert, the bullet/pellet (metallic object) was removed from the body of the injured during the course of treatment. He further contended that there are twelve criminal antecedents/cases against the present appellant, out of which some have already been disposed of. In view of the above, it has been submitted that the present application for suspension of sentence deserves to be dismissed.

Heard learned counsel for the parties. perused the statements of injured, namely Narendra Singh(PW-11), Abdul Hafeez (PW-2) & the medical expert and the material made available on record.

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

Accordingly, the application for suspension of sentence is dismissed.

(VINOD KUMAR BHARWANI),J