

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



S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 593/2026

URN: SOSA / 1147U / 2026

in

S.B. Criminal Appeal No. 662/2026

1. Amin Khan S/o Sarsudeen@ Sarsu, Aged About 35 Years
2. Sarjeet Khan S/o Ismael Khan, Aged About 62 Years
3. Samaydeen S/o Sarjeet Khan, Aged About 35 Years,
R/o Village Maujpur Police Station Laxmangarh, District
Alwar, Raj.

(Presently Confined At Central Jail Alwar)

----Appellant/Accused

Versus

State Of Rajasthan, Through P.P.

----Respondent

For Petitioner(s)	:	Mr. Nikhil Saini
For Respondent(s)	:	Mr. Amit Kumar Punia, PP Mr. Anupam Sharma with Mr. Harshit Parashar

**HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
HON'BLE MR. JUSTICE RAVI CHIRANIA**

Order

13/07/2026

This suspension of sentence application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the accused-applicants (for brevity, "the applicants") alongwith the appeal. The applicants have been convicted and sentenced by the learned Additional Sessions Judge Laxmangarh, District Alwar (for short, 'the learned trial Court') vide judgment dated 17.03.2026 passed in Sessions Case No.22/2017 (CIS No.21/2017) as under:-

1. **Under Section 323/34 IPC:** Six months' simple imprisonment and fine of ₹1,000/- in default thereof, seven days' simple imprisonment.
2. **Under Section 341/34 IPC:** One month's simple imprisonment and fine of ₹500/- in default thereof, two days' simple imprisonment.
3. **Under Section 324/34 IPC:** Two years' simple imprisonment and fine of ₹2000/- in default thereof, fifteen days' simple imprisonment.
4. **Under Section 326/34 IPC:** Five years' simple imprisonment and fine of ₹5000/- in default thereof, one month's simple imprisonment.
5. **Under Section 307/34 IPC:** Seven years' simple imprisonment and fine of ₹10,000/- in default thereof, two months' simple imprisonment.

All the substantive sentences to run concurrently.

Learned counsel for the applicants submits that they have falsely been implicated in this case. Inviting attention of this Court towards the injury report (Ex. P-20) of injured Rooda as also his radiology report (Ex. P-21), he would contend that out of six injuries received by him, only one injury on his head with sharp-edged weapon was found to be grievous and dangerous to life; rest injuries were simple in nature. Referring to and relying upon the statement of Dr. Ravi Thakur (PW-17) who has examined the injured and has prepared his injury report as also the deposition of injured Rooda Khan (PW-18), he would contend that Rooda Khan was fully conscious when he was examined by doctor on 23.11.2015, i.e., after two days of the incident and in absence of

nature of corresponding fracture, it is doubtful as to whether the injury was dangerous to life. Learned counsel submits that applicants were on bail during the trial with no allegation of its misuse, has remained in custody for a period of more than five months, hearing of the appeal is likely to take time and prays for suspension of substantive sentence awarded to them.

Per contra, learned Public Prosecutor, assisted by learned counsel for the complainant, opposed the prayer.

Heard. Considered.

From the evidence available on record, it is reflected that though, the incident is dated 21.11.2015; but, injured Rooda Khan was examined medically by Dr. Ravi Mathur (PW-17) on 23.11.2015, i.e., with a delay of two days. Further, his injury report (Ex. P-20) and the Radiology Report (Ex. P-21), reflect that out of six injuries received by him, only one injury, i.e., the head injury was found to be grievous and dangerous to life, Dr. Ravi Mathur (PW-17) has admitted that the linear fracture is not dangerous to life and the nature of fracture suffered by the injured was not reflected. It is also revealed that although, it was alleged that all the applicants had assailed the injured who offered no protest; but, he has received only one grievous injury.

It may be worthy to note here that the applicants have been acquitted of the charge under Section 447 of IPC. They were on bail during the trial and there is no allegation of misuse of their liberty. They are in custody for more than five months and there is no possibility of the hearing of the appeal taking place in near future.

In the conspectus of aforesaid analysis, we deem it just and proper to allow the suspension of sentence application.

Accordingly, the suspension of sentence application is allowed. Substantive sentence awarded to the applicants by the learned trial Court vide judgment dated 17.03.2026 shall remain suspended during pendency of the appeal and they shall be released on bail provided each of them furnish bail bonds to the satisfaction of the learned trial Court to the effect that they shall appear before this Court on or before 14.08.2026 and as and when called upon to do so till disposal of the appeal and subject to the following conditions:-

1. That they will appear before the learned trial Court in the month of January of every year till the appeal is decided.
2. That if the applicants change the place of residence, they will give in writing their changed address(es) to the learned trial Court as well as to their learned counsel in the High Court who shall, in turn, inform this Court.
3. Similarly, if the sureties change their address(es), they will give in writing their changed address to the learned trial Court.

The learned trial Court shall keep the record of attendance of the accused-applicants in a separate file(s). Such file(s) be registered as Criminal Misc. Case relating to original case in which the accused-applicants were tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file(s) shall not be taken into account for statistical purpose relating to pendency and disposal of the cases in the learned trial Court. In case, the said accused-applicants do not appear before the learned trial Court, the learned trial Judge shall report the



matter to the High Court for cancellation of benefit extended by this order.

(RAVI CHIRANIA),J

(MAHENDAR KUMAR GOYAL),J