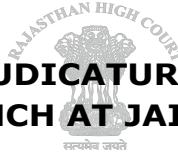




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Criminal Misc. Suspension of Sentence Application No.
680/2026

CNR: RJHC020317782026 | URN: SOSA / 1321U / 2026

In

D.B. Criminal Appeal No.157/2026

Rishiraj S/o Parbhathi, R/o Teen Moorti Dhindora, Police Station
Surauth, District Karauli, Rajasthan - 322230 (Presently confined
at Central Jail Bharatpur)

-----Accused-Petitioner

Versus

State of Rajasthan through the Public Prosecutor.

-----Respondent

For Petitioner(s) : Mr. Alok Garg

For Respondent(s) : Mr. Rhishi Raj Singh Rathore, P.P.

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL

HON'BLE MR. JUSTICE RAVI CHIRANIA

Judgment / Order

27/07/2026

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 Sessions Judge No.2, Hindaun City, District Karauli (for short "the learned trial Court") vide judgment dated 23.02.2026 passed in Sessions Case (CIS) No.131/2021 as under:-

1. Under Section 498-A IPC: Three years' imprisonment and fine of ₹20,000/-; in default whereof, six months' additional simple imprisonment.

2. Under Section 304-B IPC: Life imprisonment.



All the sentences to run concurrently.

Learned counsel for the applicant, inviting attention of this Court towards the statement of Shri Charan Singh (PW-16) and his police statement (Exhibit P-9), would submit it is established that the deceased was never subjected to harassment with regard to demand of dowry. He further submits that the prosecution could not establish that the marriage in between him and the deceased was solemnized within seven years of her death. Learned counsel submits that he is in custody for about five years and six months, has no criminal antecedents, hearing of the appeal is likely to take time and prays that the substantive sentence awarded to him be suspended during pendency of the appeal.

Per contra, learned Public Prosecutor opposed the prayer and prays for dismissal of the application.

Heard. Considered.

A perusal of the judgment impugned reflects that after appreciating the testimony of Smt. Saroj (PW-7), Smt. Kanchan (PW-8) and Shri Vijay (PW-13)-elder sister, mother and father of the deceased respectively, the learned trial Court held that marriage of the deceased with the applicant was solemnized within seven years of her death which was found to be unnatural in view of Postmortem Report (Exhibit P-11) and the statement of Dr. Pushpendra Gupta (PW-18) who had conducted the autopsy. From the statement of the prosecution witnesses especially, Smt. Saroj (PW-7)-the elder sister of the deceased who was married to elder brother of the applicant, we find that there is allegation of subjecting the deceased to torture and harassment by the applicant with regard to demand of dowry soon before her death.



In the conspectus of the aforesaid analysis, we are not inclined to extend the benefit of suspension of sentence to the applicant.

Resultantly, the suspension of sentence application is dismissed.

However, looking to the period of incarceration of the applicant-appellant, Office is directed to prepare the paper book and list the D.B. Criminal Appeal No.157/2026 thereafter for hearing.

(RAVI CHIRANIA),J

(MAHENDAR KUMAR GOYAL),J