

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc Suspension Of Sentence Application (Appeal)
No. 771/2024

In

S.B. Criminal Appeal No.623/2024

Nitin Kumar Son Of Rajkumar, Resident Of Nandgaon, Bandikui,
District Dausa (Rajasthan) (At Present In District Jail Dausa)

----Appellant

Versus

State Of Rajasthan, Through P.P.

----Respondent

For Petitioner(s)	:	Mr. Rajesh Kumar Sharma with Mr. Sarthak Choubey
For Respondent(s)	:	Mr. Sudesh Kumar Saini, PP with Mr. Anurag Chahar Mr. Yatendra Kumar Katara

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI
Order

18/03/2026

Instant application for suspension of sentence has been preferred on behalf of the applicant-appellant under Section 389 of Cr.P.C. alongwith the appeal, to suspend the sentence awarded by the Court of learned Additional Sessions Judge, No.2, Bandikui, District Dausa (Raj.) *vide* its judgment dated 14.03.2024 in Sessions Case No.59/2011, whereby the applicant-appellant was convicted for the alleged offence(s) & sentenced to undergo maximum period of ten years rigorous imprisonment with fine.

Learned counsel for the applicant-appellant submits that the applicant remained in custody for a certain period during the course of trial and was subsequently enlarged on bail; however, he has been in custody for the past three years. It is further submitted that the prosecution examined the medical expert as

PW-2, namely Dulichand and another doctor, namely Narendra (PW-4), was summoned to attend to the appellant's wife owing to her deteriorating health condition. Counsel also contended that PW-5, namely Anil Kumar Gaur, did not support the prosecution case and turned hostile. Counsel further submits that no cogent or reliable evidence has been adduced to establish the circumstances soon before the death. Counsel further submits that the learned Trial Court has not appreciated the facts & circumstances of the case as well as the statements of the witnesses holistically and the hearing of the appeal will take its own time to conclude, hence, the sentence awarded to the applicant-appellant may be suspended during the pendency of the appeal.

Learned Public Prosecutor and learned counsel for the complainant-respondent have vehemently opposed the submissions made herein-above and submitted that the marriage between the appellant and the deceased, namely Preeti, was solemnized on 06.05.2011 and the death of the deceased occurred on 07.10.2011. As per the post-mortem report, bluish marks were found on both the left & right hands of the deceased. It is further submitted that the death occurred within seven years of the marriage. Therefore, the application for suspension of sentence deserves to be dismissed.

Heard learned counsel for the parties and perused the statement of doctor (PW-4), namely Narendra, Post Mortem Report (Ex.P-2), FSL Report (Ex.P-3) and the material made available on record.

Taking into consideration the conviction, term of sentence & the submissions made at bar and without commenting upon the merits of the case, this Court deems it just and proper to suspend the sentence awarded to the applicant-appellant during the pendency of the appeal.

Accordingly, the application for suspension of sentence is **allowed** and it is, hereby, ordered that the execution of sentence awarded to accused-applicant, namely **Nitin Kumar Son Of Rajkumar**, by the learned Trial Court shall remain suspended during pendency of the appeal, provided he furnishes a personal bond in the sum of Rs.50,000/- together with two sureties of Rs.25,000/- each, to the satisfaction of the learned Trial Court with the stipulation that he shall appear before this Court on 18.04.2026 and thereafter, as and when he is called upon to do so.

(VINOD KUMAR BHARWANI),J