

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Suspension of Sentence Application
No.895/2026

In

S.B. Criminal Appeal (Sb) No. 989/2026

Subham Singh S/o Ramkishor, Aged About 22 Years, R/o
Vijaypura Police Station Suroth District Karauli (At Present
Confined In Central Jail Dausa)

----Appellant

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

For Appellant(s)	:	Mr. Vinod Kumar Sharma
For Respondent(s)	:	Mr. N.S Dhakad, PP Mr. Naresh Gupta, PP

HON'BLE MR. JUSTICE BIPIN GUPTA (V. J.)

Judgment / Order

18/06/2026

1. The present suspension of application has been preferred by the applicant in connection of S.B. Criminal Appeal (Sb) No. 989/2026, which has been filed assailing the order dated 28.04.226 and 30.04.2026 passed by Sessions Judge, Dausa, District-Dausa, in Sessions Case No. 86/2023, whereby the appellant-applicant was convicted for the offence punishable under Section 212 IPC and sentenced to undergo five years' rigorous imprisonment and fine of Rs. 25,000/- and in default of payment of fine, to further undergo one year's additional imprisonment.

2. Learned counsel for the appellant-applicant submits that the learned trial Court has grossly erred in convicting and sentencing

the applicant-appellant and raised serious question over the misappreciation of evidence done by the learned trial Court. He further submits that prima facie no offence under Section 212 IPC is made out. Additionally the offence is bailable in nature. He contends that since he was on bail during the course of trial and never misused the liberty granted in his favour.

3. Learned counsel for the applicant-appellant submit that after the passing of the order of conviction applicant-appellant is in custody since 28.04.2026. He further submits that there no criminal antecedents against the applicant-appellant. He further contends that the conclusion of the appeal is likely to take a considerable amount of time. Therefore, he prays the application for suspension of sentence may be allowed.

4. Learned Public Prosecutor has vehemently opposed the prayer made by learned counsel for the appellant-applicant.

5. Considering the overall submissions of the learned counsel for the appellant-applicant as well as learned Public Prosecutor and looking to the totality of facts and circumstances of the case without commenting on merits and demerits, this Court is of the opinion that it is fit case for suspending the sentence awarded to the appellant-applicant.

6. Accordingly, the application for suspension of sentence filed under Section 430 BNSS is allowed and it is ordered that the sentence passed by Sessions Judge, Dausa, District-Dausa vide order dated 30.04.2026, in Sessions Case No. 86/2023 against the appellant-applicant- **Subham Singh S/o Ramkishor** 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 Court for his appearance in this Court on 13.07.2026 and whenever ordered to do so till the disposal of the appeal on the condition incidated 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.*

The learned trial Court shall keep the record of attendance of the appellant-applicant in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the appellant-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 appellant-applicant does not appear before the trial Court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.

(BIPIN GUPTA (V. J.)),J