

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 1196/2025

CNR: RJHC020520032025 | URN: SOSA / 2339U / 2025

In

S.B. Criminal Appeal No.654/2025

Sagar S/o Gulab, R/o Kaimri Tehsil Nadauti P.s. Nadauti District
Karauli Raj (At Present Confined In Central Jail, Sewar District
Bharatpur)

----Appellant

Versus

State Of Rajasthan, Through P.P.

-----Respondent

For Appellant(s)	:	Mr. Navankur Dubey with Mr. Anurag Pareek
For Respondent(s)	:	Mr. Sudesh Kumar Saini, PP

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Order

30/07/2026

Instant application for suspension of sentence has been preferred on behalf of the applicant-appellant under Section 430 of BNSS alongwith the appeal, to suspend the sentence awarded by the Court of learned Special Judge, Dacoity Affected Area, Bharatpur (Raj.), *vide* its judgment dated 11.02.2025, in Sessions Case No.07/2019, 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 for the applicant-appellant submits that the appellant remained in judicial custody from 17.11.2018 to 24.06.2019 during the course of the trial and is

presently in custody since 11.02.2025. He has already undergone more than two years out of his actual sentence. Counsel further submits that the alleged incident pertains to the year 2008, whereas the petitioner was arrested on 16.11.2018 and the Test Identification Parade (TIP) was conducted on 22.11.2018; however, the same was not held in accordance with the prescribed legal procedure. Counsel further submits that the appellant is not named in the FIR and the learned Trial Court has not appreciated the facts & circumstances of the case holistically and the hearing of the appeal will take its own time, hence, the sentence awarded to the applicant-appellant may be suspended during the pendency of the appeal.

It is hereby noted that despite intimation being served on victim/complainant, no one has appeared on behalf of complainant/victim.

Learned Public Prosecutor has vehemently opposed the submissions made herein-above.

Heard learned counsel for the parties and perused the material available on record.

Looking to the overall facts & circumstances of the case and 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 **Sagar S/o Gulab**, 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 31.08.2026 and thereafter, as and when he is called upon to do so.

(VINOD KUMAR BHARWANI),J

24/SAURABH