

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc Suspension Of Sentence Application (Appeal)
No. 1510/2025

In

S.B. Criminal Appeal No.1269/2025

Kanhaiya S/o Babulal, R/o Keshavpura Malipada Police Station
Hindaun City, District Karauli (At Present Confined In Central Jail,
Sewar)

----Appellant

Versus

State Of Rajasthan, Through P.P.

----Respondent

For Petitioner(s)	:	Mr. Yogesh Singhal with Mr./Ms. Saroj Singh
For Respondent(s)	:	Mr. Sudesh Kumar Saini, PP Mr. Pawan Kumar Verma

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Order

19/03/2026

Instant application for suspension of sentence has been preferred on behalf of the applicant-appellant under Section 430 of B.N.S.S. alongwith the appeal, to suspend the sentence awarded by the Court of learned Additional Sessions Judge No.2, Hindaun City, District Karauli *vide* its judgment dated 03.05.2025, in Sessions Case No.94/16(50/14), 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 appellant submits that the appellant has been falsely implicated in the present case and has no

connection with the alleged offence(s). Counsel further contended that the appellant is in judicial custody since 03.05.2025 and the appellant was on bail during trial. Counsel further submits that the FIR was registered on the basis of *Parcha Bayan (Ex.P-1)*, namely Kapoor Chand (PW-2), wherein allegations of assault were made against several persons, and the name of the present appellant surfaced only after about ten days during investigation. He further contended that no recovery of weapon has been effected from the appellant and there are contradictions in the statements of prosecution witnesses. Counsel further submits that a cross-FIR bearing No.180/2014 has also been lodged by the appellant at Police Station Hindaun City, and the learned Trial Court has not appreciated the facts and 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.

Per contra, learned Public Prosecutor and learned counsel for the complainant have vehemently opposed the application and submitted that in the alleged incident, six persons have sustained injuries, out of whom three suffered firearm injuries, and one injured, namely Balram (PW-1), led to the amputation of his foot. He further submitted that the name and role of the appellant are clearly mentioned in the statements of the injured eye-witnesses recorded under Section 161 of Cr.P.C. in relation to the alleged incident dated 09.03.2014. Therefore, the application for suspension of sentence deserves to be dismissed.

Heard learned counsel for both the parties and perused the statements of the injured witnesses & the medical expert and the material made available on record.

Thus, without commenting upon the merits/demerits of the case and looking to the overall facts and circumstances of the case, more particularly the specific allegations regarding use of firearms by the appellant and the statements of the injured witnesses as well as medical expert, this Court does not deem it appropriate to suspend the sentence awarded to the appellant.

Accordingly, the application for suspension of sentence is dismissed.

(VINOD KUMAR BHARWANI),J