

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc Suspension Of Sentence Application No.
1672/2025

in

D.B. Criminal Appeal No.360/2025

1. Ghamandi S/o Ramphool, Aged About 63 Years, R/o Gyana Ka Pura, Tan Katkad, Police Station Sadar Hindauncity, District Karauli, (Rajasthan) (Presently Is Lodged In Central Jail At Sewar Bharatpur)
2. Shriman S/o Ramphool, Aged About 70 Years, R/o Gyana Ka Pura, Tan Katkad, Police Station Sadar Hindauncity, District Karauli, (Rajasthan) (Presently Is Lodged In Central Jail At Sewar Bharatpur)
3. Bhanwar S/o Ghamman, Aged About 37 Years, R/o Gyana Ka Pura, Tan Katkad, Police Station Sadar Hindauncity, District Karauli, (Rajasthan) (Presently Is Lodged In Central Jail At Sewar Bharatpur)
4. Bhagatram S/o Ghamandi, Aged About 34 Years, R/o Gyana Ka Pura, Tan Katkad, Police Station Sadar Hindauncity, District Karauli, (Rajasthan) (Presently Is Lodged In Central Jail At Sewar Bharatpur)
5. Bhoorsingh S/o Shriphool, Aged About 35 Years, R/o Gyana Ka Pura, Tan Katkad, Police Station Sadar Hindauncity, District Karauli, (Rajasthan) (Presently Is Lodged In Central Jail At Sewar Bharatpur)
6. Mansingh S/o Shriphool, Aged About 31 Years, R/o Gyana Ka Pura, Tan Katkad, Police Station Sadar Hindauncity, District Karauli, (Rajasthan) (Presently Is Lodged In Central Jail At Sewar Bharatpur)

-----Petitioners

Versus

State Of Rajasthan, Through Public Prosecutor.

-----Respondent

For Petitioner(s)	:	Mr. Suresh Kumar Sahni Mr. Ram Manohar Sharma Mr. Manendra Singh Solanki
For State	:	Mr. Amit Punia, PP

For Complainant : Mr. Rajesh Gadwal
with
Mr. Pushpendra Kumar

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
HON'BLE MR. JUSTICE SAMEER JAIN

Order

24/02/2026

This suspension of sentence application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the accused-applicants (for brevity, "the applicants"). The applicants have been convicted and sentenced by the learned Additional Session Judge No.1, Hindauncity, District Karauli vide judgment dated 11.08.2025 passed in Sessions Case No.309/2016 as under:-

Applicant No. 1 (Ghamandi):

Under Section 324 IPC: Two years simple imprisonment and fine of ₹2,000/-; in default whereof, two months additional simple imprisonment.

Under Section 325/149 IPC: Three years' simple imprisonment and fine of ₹5,000/-; in default whereof, one month additional simple imprisonment.

Under Section 302 IPC: Life imprisonment and fine of ₹10,000/-; in default whereof, one month additional simple imprisonment.

Applicant No. 2 (Shriman):

Under Section 324/149 IPC: Two years' simple imprisonment and fine of ₹2,000/- in default whereof, two months additional simple imprisonment.

Under Section 325/149 IPC: Three years' simple imprisonment and fine of ₹5,000/-; in default whereof, one month additional simple imprisonment.

Under Section 302 IPC: Life imprisonment and fine of ₹10,000/-; in default whereof, one month additional simple imprisonment.

Applicant No.3 (Bhanwar):

Under Section 324/149 IPC: Two years' simple imprisonment and fine of ₹2,000/-; in default thereof, two months additional simple imprisonment.

Under Section 325/149 IPC: Three years' simple imprisonment and fine of ₹5,000/-; in default whereof, one month additional simple imprisonment.

Under Section 302 IPC: Life imprisonment and fine of ₹10,000/-; in default whereof, one month additional simple imprisonment.

Applicant No.4 (Bhagatram):

Under Section 324/149 IPC: Two years' simple imprisonment and fine of ₹2,000/-; in default thereof, two months additional simple imprisonment.

Under Section 325/149 IPC: Three years' simple imprisonment and fine of ₹5,000/-; in default whereof, one month additional simple imprisonment.

Under Section 302 IPC: Life imprisonment and fine of ₹10,000/-; in default whereof, one month additional simple imprisonment.

Applicant No.5 (Bhoorsingh):

Under Section 324/149 IPC: Two years' simple imprisonment and fine of ₹2,000/-; in default whereof, two months additional simple imprisonment.

Under Section 325 IPC: Three years' simple imprisonment and fine of ₹5,000/-; in default whereof, one month additional simple imprisonment.

Under Section 302 IPC: Life imprisonment and fine of ₹10,000/-; in default whereof, one month additional simple imprisonment.

Applicant No.6 (Mansingh):

Under Section 324/149 IPC: Two years' simple imprisonment and fine of ₹2,000/-; in default thereof, two months' additional simple imprisonment.

Under Section 325/149 IPC: Three years simple imprisonment and fine of ₹5,000/-; in default whereof, one month additional simple imprisonment.

Under Section 302/149 IPC: Life imprisonment and fine of ₹10,000/-; in default whereof, one month additional simple imprisonment.

Sentences to run concurrently.

Learned counsel for the applicants, inviting attention of this Court towards the written report lodged by Shri Rajesh (PW.2)- an injured eye-witness, would submit that it contained allegations of inflicting injuries to the complainant party against as many as 29 accused; however, the police after investigation, charge-sheeted only seven persons, i.e., 'six applicants and one juvenile'. He submitted that as per the post-mortem report of the body of the deceased (Exhibit P1), he has received four injuries on his

head/face, out of which, the injury No.4 on the left parietal region by blunt weapon has been found to be fatal as per the testimony of Dr. Amar Singh (PW.1), a member of the Medical Board which conducted the autopsy. Referring to the testimony of other injured eyewitnesses, learned Senior Counsel submitted that the fatal injury has not specifically been attributed to any of the applicants still, despite framing charges against them, inter alia, under Section 302/149 IPC, four of the applicants have been convicted under Section 302 IPC simpliciter without recording a whisper of finding that the injury caused by them proved to be fatal. He further contended that the six applicants have been convicted under Section 302 or 302/149 IPC who were allegedly armed with deadly weapons such as axe and dhariya (a sharp instrument), but, only one injury has been found to be fatal and therefore, the offence does not travel beyond the scope of Section 326 IPC. He also submitted that undisputedly, the deceased was an intervener and no offence was meant against him. He submitted that the applicant- Ghamandi is behind bars for a period of almost five years, applicant- Shriman for a period of about three years and eight months and rests of the applicants for about one year, hearing of the appeal is likely to take time and prays for their suspension of sentence.

Per contra, learned Public Prosecutor, assisted by learned counsel for the complainant, though, opposed the prayer but, could not dispute that only one injury on the person of the deceased has been found to be fatal which is not specifically attributed to any of the applicants.

Heard. Considered.

Taking into consideration the contentions advanced by learned Senior Counsel for the applicants, the nature of accusation against them, the postmortem report of the body of the deceased as also testimony of Dr. Amar Singh (PW.1) which establish that injury No.4 on the body of the deceased was found to be fatal which has not been attributed specifically to any of the applicants and the nature of weapon allegedly used for the commission of this fatal injury being blunt and the fact that the hearing of the appeal is not likely in near future, we deem it just and proper to allow the application.

Accordingly, the suspension of sentence application is allowed. Substantive sentences awarded to the applicants by the learned trial Court vide judgment dated 11.08.2025 shall remain suspended during pendency of the appeals and they shall be released on bail provided each of them furnishes bail bonds to the satisfaction of the learned trial Court to the effect that they shall appear before this Court on or before 25.03.2026 and as and when called upon to do so till disposal of the appeals and subject to the following conditions:-

1. That they will appear before the learned trial Court in the month of January of every year till the appeals are decided.
2. That if the applicants change the place of residence, they will give in writing their changed address(es) to the learned trial Court as well as to their learned counsel in the High Court who shall, in turn, inform this Court.
3. Similarly, if the sureties change their address(es), they will give in writing their changed address to the learned trial Court.

The learned trial Court shall keep the record of attendance of the accused-applicants in a separate file(s). Such file(s) be registered as Criminal Misc. Case relating to original case in which the accused-applicants were tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file(s) shall not be taken into account for statistical purpose relating to pendency and disposal of the cases in the learned trial Court. In case, the said accused-applicants do not appear before the learned trial Court, the learned trial Judge shall report the matter to the High Court for cancellation of benefit extended by this order.

(SAMEER JAIN),J

(MAHENDAR KUMAR GOYAL),J