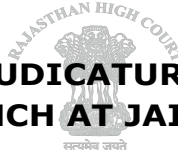




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Criminal Misc Suspension Of Sentence Application (Appeal)
No. 1490/2024

In

D.B. Criminal Appeal No.262/2024

Lakhpat Singh Son Of Ghanshyam Singh, Resident Of Hathroli
Police Station Boli At Present Resident Of Nai Aabadi Bhavade
Police Station Batoda District Sawai Madhopur Rajasthan
(Accused In Central Jail Bharatpur)

-----Accused/Appellant

Versus

State Of Rajasthan, Through P.P

-----Respondent

For Petitioner(s)	:	Mr. Saurav Harsh
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP with Ms. Neha Goyal

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL

HON'BLE MR. JUSTICE SAMEER JAIN

Order

13/02/2026

This suspension of sentence application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the accused-applicant (for brevity, "the applicant") alongwith the appeal. The applicant has been convicted and sentenced by the learned Additional Sessions Judge No.2, Gangapur City (for short, 'the learned trial Court') vide judgment dated 19.07.2024 passed in Sessions Case No.04/2021 (07/21) as under:-

Under Section 302 IPC: Life imprisonment and fine of Rs.1,00,000/- in default whereof, six months additional simple imprisonment.

Sentences to run concurrently.

Learned counsel for the applicant submits that he has been convicted by the learned trial Court despite the material eye witnesses turning hostile. He submits that the allegation of



inflicting injury on the head of the deceased with a blunt weapon is not medically corroborated. He, therefore, prays that the suspension of sentence application be allowed.

Per contra, learned Public Prosecutor opposed the prayer.

Heard. Considered.

A perusal of the finding recorded by the learned trial Court vide judgment dated 19.07.2024, reflects that although, the eye witnesses named in the FIR, have not supported the prosecution story but, they have, in unison, stated that when they reached the scene of crime, they saw the applicant with a wooden log (leg of cot) and injured deceased. They also claim to have heard the applicant shouting (इसे देखते हुए बहुत दिन हो गये आज इसे सलटा दिया काम तमाम कर दिया). Moreover, the allegations of infliction of multiple head injuries by the applicant to the deceased with the wooden log are medically corroborated and as per the Forensic Science Laboratory Report, the DNA profile of the deceased is matched with the DNA profile obtained from the blood smeared soil recovered from the scene of crime.

In view of the aforesaid evidence and looking to the nature and gravity of the allegation against the applicant, we are not inclined to allow the application.

Resultantly, the suspension of sentence application is dismissed.

(SAMEER JAIN),J

(MAHENDAR KUMAR GOYAL),J