

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



S.B. Criminal 2nd Misc. Suspension Of Sentence Application
(Appeal) No. 182/2026

In

S.B. Criminal Appeal No. 3396/2024
CNR: RJHC020853132025 | URN: SOSA / 398U / 2026

Ajay @ Sonu S/o Shri Govindram, Aged About 24 Years, R/o
Kachchi Basti Pani Ki Tanki Ke Pas Vivekanand Colony Police
Station Ramganj Ajmer (Raj) (The Appellant Are Behind The Bars
In The Central Jail Ajmer)

-----Petitioner

Versus

State Of Rajasthan, P P

-----Respondent

For Petitioner(s)	:	Mr. P.S. Rajawat
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

03/08/2026

1. The second application for suspension of sentence is preferred by appellant - **Ajay @ Sonu S/o Shri Govindram** in pending appeal filed aggrieved from order of conviction and sentence dated 07.11.2024 in Sessions Case No.20/2024 passed by learned Additional Sessions Judge (Women Atrocity Cases), Ajmer whereby appellant was convicted for offence under Sections 307, 324, 341, 34 IPC and Section 4/25 of Arms Act and sentenced accordingly.
2. Learned counsel for the appellant while relying upon grounds of appeal submitted that without observing principle of law

learned trial court has arrived at a conclusion of conviction. He further submitted that learned trial court has overlooked material contradictions and discrepancies, which goes to root of the matter. He further submitted that the entire case of prosecution rests on testimony of interested witness and no independent witness was examined to corroborate the story of prosecution.

3. Learned counsel for the petitioner submitted that the first SOS application was dismissed on 28.04.2025 and the present appellant is in custody, and he has already served approximately two years and six months against the awarded sentence of seven years. He further submitted that the two other accused, who were sentenced by the learned trial Court, were granted bail by this Hon'ble Court. He also submitted that the appeal of the appellant has not been taken up for hearing and, further, hearing will take time. He also referred to the injury report and the statement of the injured and submitted that it was a sudden provocation and not an intentional act on part of petitioner.
4. Aforesaid contentions were opposed by learned Public Prosecutor. He submitted custody certificate and same is taken on record.
5. Heard learned counsel for appellant and learned Public Prosecutor. Perused the record.
6. On 28.04.2025, we have considered the SOS applications of the three accused and allowed the SOS applications of the two accused, Rahul and Naresh, but dismissed the SOS

application of the present appellant. We have observed as under:

5. On basis of statement of injured Kamlesh Ex.P-1 recorded on 30.09.2017 while he was under treatment at JLN Hospital, Ajmer, FIR No.271/2017 under Sections 323, 341, 307 of IPC was registered at Police Stationi Ramganj, District Ajmer. After investigation, police has filed charge-sheet against three accused appellants. After framing of charge, the prosecution has examined 22 witnesses and exhibited 30 documents. The accused were examined under Section 313 CrPC and they opted not to submit any defence evidence. The trial Court has convicted the accused appellants.
6. A perusal of first version of incident, Ex.P-1 and statement of injured PW-1 Kamlesh indicate that 3 boys felt annoyed from blowing of horn assaulted them. The deposition of PW-1 Kamlesh was supported by PW-3 Amar Singh, PW-4 Yash Tank and PW-2 Satish. The injuries were examined by PW-14 Dr. Rajesh Kumar and as per his deposition, injury Nos.3 and 6 upon Amar is grievous and dangerous to life. Injury No.1 sustained by Sumit is also dangerous to life and grievous in nature. Amar Singh was operated by PW-16 Dr. Kalpana Agarwal. We have considered the statement of other witnesses.
7. Having considered the fact that the attribution is made upon Ajay @ Sonu and

police has recovered a knife from conscious possession of Ajay @ Sonu after his information, therefore, it is not a fit case wherein the appellant-accused Ajay @ Sonu can be released on bail. But as regard to other accused appellants Rahul @ Gauri and Naresh @ Narendra are concerned without examining any aspect of the case, it is appropriate to allow the suspension of sentence application of both the accused appellants as the disposal of appeal will take its own time and there is no direct attribution upon them.

7. The material on record clearly indicates that the present appellant is the main accused, who assaulted multiple times, and Injury Nos. 3 and 6 sustained by injured Amar (PW-3) are grievous and dangerous to life. Injury No. 1 sustained by Sumit is also grievous and has been opined as dangerous to life. The prosecution has examined PW-14 Dr. Rajesh Kumar and PW-16 Dr. Kalpna Agarwal to prove the injuries upon injured. The appellant is in custody and the total period of custody is more than two years and six months against the maximum term of seven years. There are criminal antecedents against the appellant and, as per the report submitted by the learned Public Prosecutor, three criminal cases were registered against him. The report from the jail also indicates that there are criminal cases against the appellant.
8. Having considered the entire material on record, in particular the role and involvement of the appellant, I am of the

considered view that the appellant is not entitled for suspension of sentence either on merits or on the ground of the period of custody.

9. Accordingly, second SOS application preferred by appellant- **Ajay @ Sonu S/o Shri Govindram** is hereby dismissed. Misc. application stands disposed of.

(ASHOK KUMAR JAIN),J