

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc. Suspension Of Sentence Application

No. 2097/2025

IN

D.B. Criminal Appeal No.433/2025

1. Banwari S/o Babulal, Aged About 22 Years, R/o Village Pratappura, Police Station Sarwar, District Ajmer. (At Present Confined In Central Jail Ajmer)
2. Himmatsingh @ Himmatiya S/o Babulal, Aged About 45 Years, R/o Village Pratappura, Police Station Sarwar, District Ajmer. (At Present Confined In Central Jail Ajmer)
3. Smt Panwati Devi @ Pana W/o Narayan, Aged About 35 Years, R/o Village Dakhiya, Police Station Mehandwas, District Tonk. (At Present Confined In Central Jail Ajmer)

-----Petitioners

Versus

State Of Rajasthan, Through Public Prosecutor.

-----Respondent

For Petitioner(s)	:	Mr. Vinay Pal Yadav assisted by Ms. Naina Soni, Ms. Pallavi Bhotra, Mr. Lokendra Yadav & Mr. Ronit Yadav.
For Respondent(s)	:	Mr. Naresh Kumar Gupta, Deputy Government Advocate assisted by Mr. Vinod Kumar Sharma.

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

05/05/2026

1. This suspension of sentence application has been filed by the applicants along with the appeal.
2. Counsel for the appellants has annexed the certificate under Rule 311 (3) of the Rajasthan High Court Rules to the effect that

during trial, the appellants were on bail and the sentence of life imprisonment has been awarded to the appellants under Section 302/34 of IPC and they are in judicial custody at District Jail, Ajmer. He further submits that the applicants have been falsely implicated in this matter. He further submits that the case rest on circumstantial evidence and the alleged recovery of lathi & rope was effected from an open place after a delay of three days from the date of the incident, thereby rendering such recovery doubtful. He further submits that as per the FSL report, the blood group could not be conclusively determined. He further submits that the applicants No.1 & 2 have served the sentence for about three years and the applicant No.3 has served the sentence for more than one year and she was on bail during trial. He further submits that hearing of appeal may take long time and prayed that sentence awarded to the applicants may be suspended and they be released on bail during the pendency of the appeal.

3. Learned Deputy Government Advocate has opposed the application for suspension of sentence.

4. We have heard counsel for the parties and perused the record.

5. Considering the facts and circumstances of the present case and also considering the fact that the case rest on circumstantial evidence and hearing of appeal may take long time, we deem it just and proper to allow this criminal miscellaneous suspension of sentence application.

6. In that view of the matter, this criminal miscellaneous suspension of sentence application is allowed and it is ordered that execution of sentence awarded to the applicants shall remain

suspended during the pendency of the criminal appeal and the applicants be admitted to bail subject to satisfaction of the trial Court with the stipulation that they shall appear before this Court on 03.07.2026 and thereafter as and when called upon to do so.

7. Office is directed to send a copy of this order to the concerned trial Court through e-mail/fax for necessary compliance.

(BHUWAN GOYAL),J

(INDERJEET SINGH),J