HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc. 3rd Suspension Of Sentence Application No. 179/2026
CNR: RJHC020023792026 | URN: SOSA / 395U / 2026

in

D. B. Criminal Appeal No. 224/2023

Bhanwarlal Son Of Shri Chhitarmal, Aged About 36 Years, R/o Vijaygovindpura, Police Station Jobner, District Jaipur (Presently Confined In Central Jail, Jaipur)

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Public Prosecutor
2. Santosh Kumar S/o Shri Durga Lal Dhobi, R/o Ward No 8, Renwal, District-Jaipur Raj.

----Respondents

For Petitioner(s)	:	Mr. Rajesh Gadwal.
For Respondent(s)	:	Mr. Vinay Singh Yadav, Additional Government Advocate.

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

14/08/2026

1. The matter is heard on the application seeking suspension of sentence.

2. Counsel for the accused-applicant submits that the applicants-accused has been convicted and sentenced to undergo life imprisonment for the offence punishable under Sections 376/120-B IPC read with 3(2)(v) SC/ST Act.

3. Counsel for the accused-applicant has annexed the certificate under Rule 311 (3) of the Rajasthan High Court Rules to the effect

that accused-applicants are in judicial custody. Counsel for the applicants-accused submits that the applicants-accused has been falsely implicated in this matter and the appeal is not likely to be heard in near future. It is accordingly prayed that the sentence imposed upon the applicant-accused be suspended during the pendency of the appeal.

5. Learned Additional Government Advocate vehemently opposed the application seeking suspension of sentence and submitted that the applications filed on behalf of the accused-applicants has already been dismissed twice by this Court and prayed for dismissal of this application for suspension of sentence. It is informed by the learned Additional Government Advocate that no one has appeared on behalf of the complainant/victim despite service of filing of this application for suspension of sentence.

6. Heard counsel for the parties and perused the record.

7. This Court had previously adjudicated upon and dismissed the first and second applications for suspension of sentence preferred by the applicant-accused Bhanwarlal by reasoned orders and the order dated 10.09.2025 which dismissed the second application for suspension of sentence filed on behalf of the accused-applicant reads, inter alia, as follows:

> *" 1. The matter is heard on the second application seeking suspension of sentence.2. Counsel for the applicant-accused submits that the applicant-accused has been in judicial custody since the date of his conviction. It is accordingly prayed that the substantive sentence imposed upon the applicant-accused be suspended during the pendency of the appeal.3. This Court had previously adjudicated upon and dismissed the first application for suspension of sentence preferred by the*

applicant-accused by a reasoned order dated 22.02.2024. The said order reads, inter alia, as follows:

"1. This application for suspension of sentence has been filed on behalf of the applicant.

2. Counsel for the applicant submits that the applicant has been falsely implicated in this matter and the disposal of appeal is likely to take long time. Hence, the sentence awarded to the applicant may be suspended and he be released on bail during the pendency of the appeal.

3. Learned Additional Government Advocate has opposed the present application for suspension of sentence and submits that PW3-victim in her statement has leveled the allegation of committing rape with her on the applicant-accused along with other co-accused persons. Counsel further submits that the victim has been duly informed about the filing of appeal as well as present application for suspension of sentence. However, no one has appeared on behalf of the victim to oppose the present 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, the statement of PW3-victim and the age of victim which was less than sixteen years at the time of alleged incident, in our view, no case is made out to allow the present application for suspension of sentence.

6. Hence, this criminal miscellaneous suspension of sentence application stands dismissed."4. Upon careful consideration, this Court is of the view that the first application seeking suspension of sentence having been dismissed on merits, and in the absence of any material change in circumstances, except for the additional duration of incarceration undergone by the applicant-accused, no justifiable ground has been made out warranting a different conclusion at this stage.

5. Consequently, in view of the earlier order passed by this Court on 22.02.2024, the present (second) application for suspension of sentence stands dismissed."

8. In our considered view, there is no change in the circumstances after dismissal of the second application for suspension of sentence which was dismissed on merits.

9. In that view of the matter, this application for suspension of sentence stands dismissed.

(ASHOK KUMAR JAIN),J (INDERJEET SINGH),J

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