HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc. Third Suspension Of Sentence Application No. 852/2026
URN: SOSA / 1633U / 2026

In

D.B.Criminal Appeal No. 449/2018

Kaushlendra Prapannacharya Alias Falahari Maharaj S/o Madhusudnacharya, Aged About 65 Years, R/o Mahdusudan Sevashram, Ramkishan Colony, Kala Kua, Police Station Aravali Vihar, Alwar (Rajasthan) (At Present Confined In District Jail, Alwar)

----Petitioner

Versus

State Of Rajasthan, Through P.p.

----Respondent

For Petitioner(s)	:	Mr. Pankaj Gupta Mr. Saurabh Yadav
For Respondent(s)	:	Mr. Rishi Raj Singh Rathore, Addl.GA

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

Order

02/07/2026

1. This third application for suspension of sentence has been filed by the applicant alongwith the appeal.

2. Counsel appearing on behalf of the accused-applicant submits that the accused-applicant has been sentenced to undergo life imprisonment for the offence under Section 376(2)(F) of I.P.C.

3. Learned counsel for the accused-applicant further submits that the accused-applicant has been falsely implicated in this matter. He further submits that the applicant has been convicted and

sentenced under section 376(2)(F) I.P.C wherein minimum punishment prescribed is 10 years which may be extended to life imprisonment. Learned counsel further submits that as per the reply filed by the learned Government Advocate, the applicant has served the sentence more than ten years and he is presently serving the sentence in the Open Air Camp, Sanganer, Jaipur. Counsel further submits that hearing of the appeal may take long time, hence, the sentence awarded to the applicant may be suspended during the pendency of the appeal and he be released on bail.

3. Counsel for the accused-applicant relied upon the judgment of Hon'ble Supreme Court in the matter of '**Saudan Singh** versus The State of Uttar Pradesh', (Criminal Appeal No.308/2022 (SLP(Crl.) No.4633/2021), decided on 25.02.2022, wherein it is held as under:-

> "The second category of cases can be one where the person has served out more than 10 years of sentence. In these cases also at one go bail can be granted unless there are any extenuating circumstances against him."

4. Learned Additional Government Advocate has opposed the present application for suspension of sentence. He submits the complainant/victim has duly been informed about filing of the present application. However, no one has put in appearance on behalf of the complainant.

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

6. Considering the facts and circumstances of the present case, and also considering the fact that the accused-applicant has

served the sentence for a period of more than ten years, hearing of appeal may take long time and also in view of judgment passed by Hon'ble Supreme Court in the matter of **'Saudan Singh' (supra)**, we deem it just and proper to allow this criminal miscellaneous suspension of sentence application.

7. In that view of the matter, the third criminal miscellaneous suspension of sentence application is allowed and it is ordered that execution of sentence awarded to the accused-applicant shall remain suspended during the pendency of the criminal appeal and the accused-applicant be admitted to bail subject to satisfaction of the trial Court with the stipulation that he shall appear before this Court on 04.08.2026 and thereafter as and when called upon to do so.

8. 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

Anu/33