HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc. Application for Suspension of Sentence No. 930/2026
URN: SOSA / 1767U / 2026

In

D.B. Criminal Appeal No.520/2025

Piyush Das S/o Mohan Lal, Aged About 21 Years, Resident of Chambal Colony, Sakatpura Kunhari, Kota (Raj.) (At present confined at Central Jail Kota)

----Accused-Appellant

Versus

State of Rajasthan through PP

----Respondent

For Petitioner(s)	:	Dr. Mahesh Sharma assisted by Mr. Vivek Yadav
For Respondent(s)	:	Mr. Rhishi Raj Singh Rathore, P.P. with Mr. Aman Agarwal Ms. Neha Goyal Mr. Vinod Sharma

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HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
HON'BLE MR. JUSTICE RAVI CHIRANIA

Judgment / Order

20/07/2026

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.1 Kota (for short, ‘the learned trial Court’) vide judgment dated 01.11.2025 passed in Session Case (CIS) No.308/2024 as under:-

1. Under Section 302 R/W 34 IPC: Life imprisonment and fine of ₹25,000/- in default whereof, six months' additional rigorous imprisonment.

2. Under Section 341 IPC: One month's simple imprisonment and fine of ₹500/- in default whereof, ten days' additional simple imprisonment.

3. Under Section 323 IPC: One year's simple imprisonment and fine of ₹1,000/- in default thereof, twenty days' additional simple imprisonment.

All the substantive sentences to run concurrently.

Learned counsel for the applicant submits that the case hinges on circumstantial evidence and the applicant has been convicted, vide judgment impugned dated 01.11.2025, alongwith co-accused, namely, Govind Panwar @ Golu and Sumit Panwar, under Section 302 read with Section 34 IPC and their suspension of sentence applications have already been allowed by a coordinate Bench of this Court vide order dated 07.05.2026. Learned counsel submits that since, his case is not distinguishable from the case of the co-accused persons, on parity, he is also entitled for suspension of his sentence.

Per contra, learned Public Prosecutor, though, opposed the prayer but, could not dispute that the case of the applicant is not distinguishable from the case of those co-accused persons whose suspension of sentence applications have already been allowed.

Heard. Considered.

Indisputably, suspension of sentence applications filed by the co-accused, namely, Govind Panwar @ Golu and Sumit Panwar, have already been allowed by a coordinate Bench of this Court

vide order dated 07.05.2026; therefore, on parity, the applicant is also entitled for the same benefit.

Accordingly, the suspension of sentence application is allowed. Substantive sentence awarded to the applicant-**Piyush Das S/o Mohan Lal** by the learned trial Court vide judgment dated 01.11.2025 shall remain suspended during pendency of the appeal and he shall be released on bail provided he furnishes bail bonds to the satisfaction of the learned trial Court to the effect that he shall appear before this Court on 21.08.2026 and as and when called upon to do so till disposal of the appeal and subject to the following conditions:-

1. That he will appear before the learned trial Court in the month of January of every year till the appeal is decided.
2. That if the applicant changes the place of residence, he will give in writing his changed address to the learned trial Court as well as to his learned counsel in the High Court who shall, in turn, inform this Court.
3. Similarly, if the sureties change their address(es), they will give in writing their changed address to the learned trial Court.

The learned trial Court shall keep the record of attendance of the accused-applicant in a separate file. Such file be registered as Criminal Misc. Case relating to original case in which the accused-applicant was tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file shall not be taken into account for statistical purpose relating to pendency and disposal of the case in the learned trial Court. In case, the said accused-applicant does not appear before the learned trial Court, the learned trial Judge shall report the matter

to the High Court for cancellation of benefit extended by this order.

(RAVI CHIRANIA),J (MAHENDAR KUMAR GOYAL),J

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