HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc. Suspension Of Sentence Application (Appeal) No. 1176/2026
CNR: RJHC020520452026 | URN: SOSA / 2175U / 2026

In

D.B. Criminal Appeal No. 180/2026

Yadram Son Of Shyoram, Aged About 36 Years, Resident Of Sundarpura, Police Station Kotputli, District Kotputli-Behror. (At Present In Central Jail, Jaipur)

----Petitioner

Versus

The State Of Rajasthan, Through P.P.

----Respondent

Connected With

D.B. Criminal Misc. Suspension Of Sentence Application (Appeal) No. 1175/2026
CNR: RJHC020535082026 | URN: SOSA / 2174U / 2026

In

D.B. Criminal Appeal No. 180/2026

Sunil Son Of Chhoturam, Aged 30 Years, Resident Of Sundarpura, Police Station Kotputli, District Kotputli-Behror. (At Present In Central Jail, Jaipur)

----Petitioner

Versus

The State Of Rajasthan, Through P.P.

----Respondent

For Petitioner(s)	:	Mr. Rajesh Kumar Sharma
For Respondent(s)	:	Mr. Rajesh Choudhary, GA-cum-AAG with Mr. Aman Agarwal, Mr. Vinod Kumar Sharma and Ms. Neha Goyal Mr. Rhishi Raj Singh Rathore, PP

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

Order

28/07/2026

These suspension of sentence applications under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 have been filed by the accused-applicants (for brevity, 'applicants') alongwith the appeal. The applicants have been convicted and sentenced by the learned Additional District & Sessions Judge No.1, Kotputli, District Kotputli-Behror (for brevity, 'learned Trial Court') vide judgment dated 09.04.2026 passed in Sessions Case No.14/2016 (CIS No.14/2016) as under:-

1. Under Section 302 IPC: Life imprisonment and fine of Rs.30,000/-; in default whereof, six months' additional imprisonment.

2. Under Section 120B IPC: Life Imprisonment and fine of Rs. 30,000/-; in default whereof, six months' additional imprisonment.

3. Under Section 365 IPC: Five years' rigorous imprisonment and fine of Rs. 5,000/-; in default whereof, two months' additional imprisonment.

4. Under Section 323 IPC: Six months' rigorous imprisonment and fine of Rs. 500/-; in default whereof, one month's additional imprisonment.

5. Under Section 342 IPC: Six months' simple imprisonment and fine of Rs. 500/-; in default whereof, fifteen days' additional imprisonment.

6. Under Section 143 IPC: Three months' rigorous imprisonment and fine of Rs. 200/-; in

default whereof, fifteen days' additional imprisonment.

Learned counsel for the applicants submits that suspension of sentence application of similarly situated co-accused, namely, Sayarmal and Deshraj was allowed by a Co-ordinate Bench of this Court vide order dated 27.05.2026 and case of the present applicants is not distinguishable from the case of those co-accused person. He, therefore, claims for same benefit on parity.

Though, learned Public Prosecutor opposed the prayer but, could not dispute that case of the applicants is not distinguishable from the case of co-accused namely, Sayarmal and Deshraj, who have already been extended benefit of suspension of sentence.

Heard. Considered.

Since, it is an admitted position that case of the applicants is not distinguishable from the case of co-accused, namely, Sayarmal and Deshraj, whose suspension of sentence application already stands allowed by a Co-ordinate Bench of this Court vide order dated 27.05.2026, in our view, they are also entitled for the same benefit on parity.

Accordingly, the suspension of sentence applications are allowed. Substantive sentence awarded to the applicants-**Yadram S/o Shyoram & Sunil S/o Chhoturam** by the learned trial Court vide judgment dated 09.04.2026 shall remain suspended during pendency of the appeal and they shall be released on bail provided each of them furnish bail bonds to the satisfaction of the learned trial Court to the effect that they shall appear before this Court on 01.09.2026 and as and when called upon to do so till disposal of the appeal and subject to the following conditions:-

1. That they will appear before the learned trial Court in the month of January of every year till the appeal is decided.
2. That if the applicants change the place of residence, they will give in writing their changed address(es) 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-applicants in a separate file. Such file(s) be registered as Criminal Misc. Case relating to original case in which the accused-applicants were 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-applicants do 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

8-9/Dushyant