HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc. Suspension Of Sentence Application No. 2507/2025
URN: SOSA / 4841U / 2025

in

D. B. Criminal Appeal No. 523/2025

1. Babloo Son Of Ghudiyaram, Aged About 38 Years, Resident Of Bhawar, Police Station Kherli, District Alwar (Rajasthan) (At Present Confined In Central Jail, Alwar)
2. Vijay Singh Son Of Kundan, Aged About 45 Years, Resident Of Bhawar, Police Station Kherli, District Alwar (Rajasthan) (At Present Confined In Central Jail, Alwar)
3. Prakash Son Of Ramjilal, Aged About 60 Years, Resident Of Bhawar, Police Station Kherli, District Alwar (Rajasthan) (At Present Confined In Central Jail, Alwar)
4. Shimbhu Son Of Prasadi, Aged About 60 Years, Resident Of Bhawar, Police Station Kherli, District Alwar (Rajasthan) (At Present Confined In Central Jail, Alwar)
5. Rambabu Son Of Tamatar Ram, Aged About 26 Years, Resident Of Bhawar, Police Station Kherli, District Alwar (Rajasthan) (At Present Confined In Central Jail, Alwar)
6. Vakil Son Of Tamatar Alilas Prabhati, Aged About 38 Years, Resident Of Bhawar, Police Station Kherli, District Alwar (Rajasthan) (At Present Confined In Central Jail, Alwar)
7. Kundan Son Of Kokli, Aged About 75 Years, Resident Of Bhawar, Police Station Kherli, District Alwar (Rajasthan) (At Present Confined In Central Jail, Alwar)
8. Narottam Son Of Dalliram, Aged About 55 Years, Resident Of Nagriya, Police Station Halena, District Bharatpur (Rajasthan) (At Present Cofined In Central Jail, Alwar)

----Petitioners

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Girish Khandelwal, Advocate.

For Respondent(s) : Mr. Jitendra Singh Rathore, Additional Government Advocate assisted by Ms. Neha Goyal, Advocate.

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

Order

02/07/2026

1. This suspension of sentence application has been filed by the accused-applicants along with the appeal.

2. Counsel appearing on behalf of the accused-applicants submits that the accused-applicants have been convicted and sentenced to undergo life imprisonment for the offence punishable under Section 302 IPC read with Section 149 IPC.

3. Counsel for the accused-applicants 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 further submits that the accused-applicants have been falsely implicated in this matter. Counsel further submits that FIRs were lodged by both the parties against each other and accused-applicants have been convicted under Section 302 IPC read with Section 149 thereof whereas other six co-accused persons have been convicted under Section 302 IPC. Counsel further submits that the appeal is not likely to be heard in near future. Therefore, he prayed that sentence awarded to the accused-applicants may be suspended and they be released on bail during the pendency of the appeal.

4. Learned Additional Advocate General opposed the application for suspension of sentence.

5. We have 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 all the accused-applicants were on bail during trial and also considering the fact that hearing/disposal of appeal may take long time, we deem it just and proper to allow this criminal miscellaneous suspension of sentence application.

7. 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 accused-applicants shall remain suspended during the pendency of the criminal appeal and the accused-applicants be admitted to bail subject to satisfaction of the trial Court with the stipulation that they 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

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