**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR**

D.B. Criminal Misc 3rd Suspension Of Sentence Application (Appeal) No. 1644/2023

Ravi Kumar S/o Shri Rajpal, Aged About 27 Years, B/c Jat,r/o Village Nathusari Kalan, P.S. Nathusari, Chaupat, Tehsil And Dist. Sirsa, Haryana.

(At Present Lodged In Open Air Camp Sanganer, Jaipur)

----Appellant

Versus

1. State Of Rajasthan, Through P.p.
2. Bhimsingh S/o Mahendra Singh, Aged About 43 Years, R/o Bharwana P.S. Gogamedi District Hanumangarh.

----Respondents

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For Appellant(s) : Mr. Kalu Ram Bhati.

For Respondent(s) : Mr. B.R. Bishnoi, P.P.

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**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI**
**HON'BLE MR. JUSTICE KULDEEP MATHUR**

**Judgment**

**25/01/2024**

1. This is the third application for suspension of sentence.

2. The second application for suspension of sentence (appeal) bail application preferred by the applicant-appellant was dismissed by the Hon’ble Division Bench of this Court vide order dated 18.08.2022.

3. Learned Public Prosecutor has drawn attention of this Court to the judgment of the Hon’ble Apex Court in the case of ***Sonadhar v. the State of Chhattisgarh : SLP (Crl.) No.529/2021*** (decided on 15.09.2022), whereby certain criteria were laid down, which are as here under:-

> "We consider appropriate to issue directions in terms of the aforesaid suggestions to the Patna High Court and on a *pari materia* basis to even the other High Courts. However, in order to carry out this exercise, the data would have to be compiled of such of the persons who have been in custody for more than 10 years and more than 14 years, with these persons being considered for grant of bail pending appeal, if there is no chance of hearing of the appeal in the near future, unless there are reasons for denial of bail. We can understand if any of the parties is delaying the appeal itself but short of that, we are of the view that all persons who have completed 10 years of sentence and appeal is not in proximity of hearing with no extenuating circumstances should be enlarged on bail."

4. Learned counsel for the appellant-applicant does not want to press the present third application for Suspension of Sentences. However, he seeks liberty for the appellant-applicant to come back again after the completion of actual custody of ten years.

5. In view of the above facts and circumstances of the case, the present Criminal Misc 3rd Suspension Of Sentence Application (Appeal) is dismissed as not pressed with the liberty prayed for.

**(KULDEEP MATHUR),J** **(DR.PUSHPENDRA SINGH BHATI),J**

3-Prashant/-