HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Criminal Misc Suspension Of Sentence Application (Appeal) No. 226/2025

Dashrath Singh S/o Shri Rewant Singh, Aged About 26 Years, B/c Rajput R/o Near Water Tank Kheme Ka Kua Shashtri Nagar Jodhpur (Lodged At Central Jail Jodhpur)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Jagmal Singh Choudhary, Sr. Adv. assisted by Mr. Pradeep Choudhary.
For Respondent(s)	:	Mr. Deepak Choudhary, GA-cum-AAG.

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE CHANDRA PRAKASH SHRIMALI

Order

05/02/2025

1. The instant criminal misc. interim suspension of sentence application (appeal) under Section 430 of B.N.S.S.. has been filed on behalf of the applicant-appellant with a prayer that his sentence awarded by the learned Additional Sessions Judge (Women Atrocities Cases), Jodhpur Metropolitan (hereinafter to be referred as 'the trial court') vide order dated 01.12.2023 passed in Sessions Case No.64/2017 may temporarily be suspended to enable him to participate in ensuing **M.A. (Hindi) Examination scheduled to be held from 08.02.2025 to 24.02.2025**.

2. Learned counsel for the applicant-appellant has submitted that earlier also vide orders dated 06.02.2024 & 12.07.2024, this Court has temporarily suspended the sentence of the applicant-

appellant in D.B. Criminal Appeal (DB) No.45/2024 & D.B. Criminal Misc. Suspension of Sentence Application (Appeal) No.851/2024 respectively, enabling him to appear in the M.A. (Hindi) Examination.

2.1 Learned counsel further submits that the applicant-appellant is pursuing the degree in M.A. (Hindi) from Vardhman Mahaveer Open University, Kota for Sessions 2023-24. The final year examination of the applicant-appellant is scheduled from **08.02.2025 to 24.02.2025**, which is reflected from the Examination Schedule available on record.

3. Learned Public Prosecutor has opposed the application for temporarily suspension of sentence, however, frankly admitted that earlier also this Court has allowed the applicant-appellant to appear in M.A. (Hindi) Examination vide the aforesaid orders dated 06.02.2024 & 12.07.2024.

4. Heard learned counsel for the parties on interim suspension of sentence application and perused the material available on record.

5. Having considered the totality of facts and circumstances of the case, this Court deems it appropriate to temporary suspend the substantive sentence awarded to the accused applicant-appellant.

6. Accordingly, this interim suspension of sentence application filed under Section 430 B.N.S.S. is allowed and it is ordered that the sentence passed by the learned Additional Sessions Judge (Women Atrocities Cases), Jodhpur Metropolitan vide judgment dated 01.12.2023 in Sessions Case No.64/2017 against applicant-appellant - **Dashrath Singh S/o Shri Rewant Singh** shall

remain suspended from 06.02.2025 to 26.02.2025 and he shall be released on temporary bail for the said period provided he executes a personal bond in the sum of Rs.1,00,000/- with two solvent sureties of Rs.50,000/- each to the satisfaction of the learned trial Judge with the incorporation that he would surrender before the concerned jail authority after completion of his period of temporary suspension of sentence.

7. It is made clear that in any case the applicant-appellant shall surrender himself before the concerned jail authority after completion of his period of temporary suspension of sentence from the date of his actual release, failing which, the trial court shall report the matter to this Court.

(CHANDRA PRAKASH SHRIMALI),J (DR.PUSHPENDRA SINGH BHATI),J

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