HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc. Suspension Of Sentence Application (Appeal) No. 1262/2026
CNR: RJHC020575042026 | URN: SOSA / 2325U / 2026

In

D.B. Criminal Appeal No. 259/2026

1. Aas Mohammad @ Aasu S/o Sh. Aladeen, R/o Village Mundiyakheda Police Station Sadar District Alwar.
2. Isse Khan S/o Sh. Aladeen, R/o Village Mundiyakheda Police Station Sadar District Alwar.
3. Smt. Vakeela W/o Isse Khan, R/o Village Mundiyakheda Police Station Sadar District Alwar.

(All the accused-applicants are confined at Central Jail, Alwar)

----Petitioners

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

For Petitioner(s)	:	Mr. Nikhil Saini
For Respondent(s)	:	Mr. Rhishi Raj Singh Rathore, PP

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

29/10/2026

This suspension of sentence application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the accused-applicantS (for brevity, “the applicants”) who have been convicted and sentenced by the learned Additional District and Sessions Judge No. 3, Alwar (for short, ‘the learned trial

Court') vide judgment dated 04.06.2026 passed in Sessions Case No.56/2024 (CIS No. 187/2023), as under:-

> **Section 302 read with Section 34 IPC:** Rigorous life imprisonment and fine of ₹50,000/- each; in default whereof, one year's additional rigorous imprisonment.
>
> **Section 324 read with Section 34 IPC:** Three years' rigorous imprisonment and fine of ₹5,000/- each; in default whereof, six months' additional rigorous imprisonment.

Sentences to run concurrently.

Learned counsel for the applicants submits that they have falsely been implicated in this case. He contended that although the allegation against them was of causing murder of Shareef Khan inflicting multiple injuries on his head; but, in the Postmortem Report (Ex. P10), the cause of death was not opined and was kept reserved till receipt of Histo Pathology/Viscera Report. Drawing the attention of this Court to the statements of Dr. Yogesh Choudhary (PW-9) and Dr. K K Meena (PW-10), the members of the Medical Board which conducted the autopsy of the deceased, he submitted that cause of death was found Atherosclerosis leading to heart failure which was not attributable to the injuries on the body which, even otherwise, were found to be simple in nature. Learned counsel contends that they were on bail during trial with no allegation of its misuse. He, therefore, prays that substantive sentence awarded to the them be suspended during pendency of the appeal.

Per contra, learned Public Prosecutor opposed the prayer and prayed for dismissal of the application.

Heard. Considered.

Taking into consideration the contentions advanced by learned counsel for the applicants, material available on record, especially the Postmortem Report as well as the Histo Pathology Report, the statements of the Members of the Medical Board which conducted the autopsy and in view of the fact that they were on bail during trial with no allegation of its misuse, we deem it just and proper to allow the suspension of sentence application filed by the applicants.

Accordingly, the suspension of sentence application is allowed. Substantive sentences awarded to the applicants-**Aas Mohammad @ Aasu S/o Sh. Aladeen, Isse Khan S/o Sh. Aladeen & Smt. Vakeela W/o Isse Khan** by the learned trial Court vide judgment dated 04.06.2026 shall remain suspended during pendency of the appeal and they shall be released on bail provided they furnish bail bonds to the satisfaction of the learned trial Court to the effect that they shall appear before this Court on 30.11.2026 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 appeals are 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 their 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(s). 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(s) shall not be taken into account for statistical purpose relating to pendency and disposal of the cases 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.

(BHUWAN GOYAL),J (MAHENDAR KUMAR GOYAL),J

19-DA/Tahir