**HIGH COURT OF JUDICATURE FOR RAJASTHAN**
**BENCH AT JAIPUR**

D.B. Criminal Misc. Suspension Of Sentence Application No. 1486/2026
CNR: RJHC020638202026 | URN: SOSA / 2667U / 2026

in

D.B. Criminal Appeal No. 294/2026

1. Pankaj S/o Ramesh Chand, Resident of Satalkheri, Police Station Suket, District Kota ( Raj.)
(Confined In Central Jail, Kota)
2. Ramesh Chand S/o Onkar Lal, Resident of Satalkheri, Police Station Suket, District Kota (Raj.)
(Confined In Central Jail, Kota)

----Accused-Appellants

Versus

State of Rajasthan, Through P.P.

----Respondent

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| For Applicant(s) | : | Ms. Simran Bharti<br>Mr. Avtar Singh Rathore |
| For Respondent(s) | : | Mr. Rhishi Raj Singh Rathore, PP<br>Mr. Dinesh Kumar Garg |

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

**Order**

**18/11/2026**

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 Sessions Judge, Ramganjmandi, District Kota (for short, 'the learned trial Court') vide judgment dated 07.05.2026 passed in Sessions Case No.45/2019, as under:-

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GOURAV DHAMIJA
Date: 2026.11.18
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**Section 302 read with Section 34 IPC:** Life imprisonment and fine of ₹5,000/- each; in default whereof, one month’s additional simple imprisonment.

**Section 341 read with Section 34 IPC:** Three months' simple imprisonment and fine of ₹500/- each; in default whereof, three days’ additional simple imprisonment.

Sentences to run concurrently.

Learned counsel for the applicants submits that they have falsely been implicated in this case wherein their conviction has been recorded under Section 302 IPC with the aid of Section 34 IPC. Inviting the attention of this Court to the testimony of the eye-witnesses, namely, S/Shri Lakhan Kumar (PW-1), Om Prakash (PW-4) and Smt. Dhapu Bai (PW-6), she would contend that the fatal injury, i.e., a stab wound on the abdominal region of the deceased Bunty, was attributed to the co-accused Kalu @ Krishan Kant who is not before this Court and the only allegation against them was of catching hold of the deceased. Learned counsel further contended that they were on bail during trial, hearing of the appeal is likely to take time and prayed that the suspension of sentence application be allowed.

Per contra, learned Public Prosecutor, assisted by learned counsel for the complainant, opposed the submissions. Learned counsel for the complainant contended that from the testimony of the eye-witnesses, presence of the applicants at the scene of crime was well established. They, therefore, prayed for dismissal of the application.

Heard. Considered.

As per the post-mortem report of the body of the deceased (Ex.P-15) which was proved by Dr. Anil Kumar Goyal (PW-5), cause of death was injury No.1, i.e., a stab wound on abdominal part of the deceased Bunty which was attributed specifically to co-accused Kalu @ Krishan Kant by the eye-witnesses, i.e., PW-1, PW-4 and PW-6. The applicants were on bail during trial with no allegation of its misuse.

In view thereof, we are inclined to allow the suspension of sentence application.

Accordingly, the suspension of sentence application is allowed. Substantive sentences awarded to the applicants-**Pankaj S/o Ramesh Chand and Ramesh Chand S/o Onkar Lal** by the learned trial Court vide judgment dated 07.05.2026 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 18.12.2026 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

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