HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal) No. 1518/2026
CNR: RJHC020652602026 | URN: SOSA / 2709U / 2026

In

S.B. Criminal Appeal No.1594/2026

1. Ganesh S/o Chhagan Bagariya, Aged About 19 Years, Resident Of Khemli, Police Station Dabok, District Udaipur (Raj.)
(At Present Confined In Central Jail Udaipur)
2. Ganesh S/o Ramlal, Aged About 20 Years, Resident Of Kacchi Basti Near Sawaliya Ji Chauraha Bhaadsoda, Police Station Bhaadsoda, District Chittorgarh (Raj.)
(At Present Confined In Central Jail Ajmer)

----Petitioners

Versus

State Of Rajasthan, Through The Public Prosecutor

----Respondent

For Petitioner(s)	:	Mr. Ishan Mishra, Adv.
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

29/10/2026

1. This application for suspension of sentence under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicants, who have been convicted and sentenced by the learned Additional District and Sessions Judge, Court No.1, Kekri, District Ajmer (Rajasthan), in Sessions Case No.17/2019 (CIS No.19/2019), vide judgment dated 30.04.2026, as under:-

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ASHWANI KUMAR
SRIVASTAVA
Date: 2026.10.30
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Under Section 147 IPC:
Two years' simple imprisonment and a fine of Rs.1,000/-, in default whereof, three months' simple imprisonment.

Under Section 323/149 IPC:
One year's simple imprisonment and a fine of Rs.1,000/-, in default whereof, one month's simple imprisonment.

Under Section 341/149 IPC:
One month's simple imprisonment and a fine of Rs.500/-, in default whereof, five days' simple imprisonment.

Under Section 458/149 IPC:
Five years' simple imprisonment and a fine of Rs.1,000/-, in default whereof, six months' simple imprisonment.

Under Section 395/149 IPC:
Ten years' simple imprisonment and a fine of Rs.2,000/-, in default whereof, one year's simple imprisonment.

Under Section 411/149 IPC:
Three years' simple imprisonment and a fine of Rs.1,000/-, in default whereof, three months' simple imprisonment.

Under Section 307/149 IPC:
Ten years' simple imprisonment and a fine of Rs.2,000/-, in default whereof, one year's simple imprisonment.

All the substantive sentences have been directed to run concurrently.

2. Learned counsel for the applicants submit that the learned trial Court has not appreciated the evidence available on record in its correct perspective. It is further submitted that the applicants have undergone 7 years and 7 months of imprisonment out of 10 years of sentence imposed upon them. It is also submitted that

the regular hearing of the appeal is likely to take considerable time, therefore, considering the period of incarceration the present application for suspension of sentence may be allowed.

3. Learned Public Prosecutor has vehemently opposed the submissions made by learned counsel for the applicants and prays that the present application for suspension of sentence may be dismissed.

4. The certificate under Rule 311(3) of the Rajasthan High Court Rules has been placed on record, as per which applicants were on bail during the course of trial and presently applicant Ganesh son of Chhagan Bagariya is confined in Central Jail Udaipur and applicant Ganesh son of Ramlal is confined in Central Jail Ajmer.

5. Heard learned counsel for the parties and perused the material available on record.

6. Upon considering the arguments advanced by learned counsel for the parties and the material available on record, particularly the fact that the applicants have undergone more than half of the substantive sentence imposed upon them by the learned trial Court, coupled with the fact that the regular hearing of the appeal is likely to take considerable time, therefore, this Court deems it just and proper to allow the application for suspension of sentence.

7. Accordingly, the application for suspension of sentence filed under Section 430 of the BNSS is allowed and it is ordered that the sentences awarded to the applicants namely **1. Ganesh son of Chhagan Bagariya** and **2. Ganesh son of Ramlal** by the learned Additional District and Sessions Judge, Court No.1, Kekri,

District Ajmer (Rajasthan), vide judgment dated 30.04.2026 in Sessions Case No.17/2019 (CIS No.19/2019), shall remain suspended during the pendency of the appeal and the applicants shall be released on bail, provided they furnish a personal bond in the sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the learned trial Court, undertaking to appear before this Court on 30.11.2026 and as and when called upon to do so till the disposal of the appeal, subject to the following conditions:-

i. That they will appear before the learned trial Court in the month of January of every year till the appeal is decided.

ii. The applicants are also directed to mark their presence on 25th of every month before the concerned Police Station till disposal of the appeal. The SHO of the concerned Police Station is directed to maintain a regular register marking their presence and shall send the presence report of the applicants on the same day to this Court without any delay.

iii. The applicants are directed to submit their present address along with their mobile number to the concerned S.H.O. within 7 days from their release and the concerned S.H.O. shall verify the said address and the mobile number. In case if the applicants changes their address or mobile number they shall submit the same before the concerned S.H.O. and also before the concerned learned trial Court.

iv. That if the applicants changes the place of residence, they will give in writing their changed address to the learned trial Court as well as to the learned counsel in the High Court who shall, in turn, inform this Court.

v. Similarly, if the surety(ies) change(s) his/their address(es), he/they will give in writing his/their changed address to the learned trial Court

vi. In case of any breach of the aforementioned conditions, the learned Public Prosecutor shall be free to move the application

against the applicants for cancellation of the bail before this Court.

8. The learned trial Court shall keep the record of attendance of the applicants in a separate file(s). Such file(s) be registered as Criminal Misc. Case relating to original case in which the 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 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.

(PRAVEER BHATNAGAR),J

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