HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. III Suspension Of Sentence Application (Appeal) No. 1561/2026
CNR: RJHC020670222026 | URN: SOSA / 2797U / 2026

In

S.B. Criminal Appeal No.1400/2023

Kamal Kumar S/o Badhriprasad, Aged About 21 Years, R/o Tejala, Police Station Tehla, District Alwar Rajasthan. (At Present The Accused Petitioner Is Confined In The Jail Alwar)

----Petitioner

Versus

State Of Rajasthan, Through Public Prsecutor

----Respondent

For Petitioner(s)	:	Mr. Manish Gupta
For Respondent(s)	:	Mr. Gaurav Gupta, PP

JUSTICE ANOOP KUMAR DHAND

Order

26/10/2026

1. Counsel for the petitioner submits that the petitioner has been sentenced to undergo ten years imprisonment, out of which he has already served four years and nine months sentence. Counsel submits that there are bleak chances of hearing of the appeal. Hence, looking to the long incarceration of the petitioner, the sentence awarded to the appellant be suspended till final disposal of the appeal.

2. *Per contra,* learned Public Prosecutor opposed the prayer and submitted that the first application seeking suspension of sentence submitted by the petitioner was rejected by this Court vide order dated 28.05.2024 on merits, against which the petitioner

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submitted Special Leave to Appeal (Criminal) No.10209/2025 and the same was rejected by the Hon'ble Apex Court vide order dated 28.08.2025 and there is no change in the facts and circumstances of the case. Hence, under these circumstances, the instant third suspension of sentence application submitted by the petitioner seeking suspension of sentence be rejected.

3. Heard and considered the submissions made at the Bar and perused the material available on the record.

4. Considering the arguments put forward by the learned Public Prosecutor and looking to the fact that the first application seeking suspension of sentence of the petitioner has been rejected by this Court vide order dated 28.05.2024 and the Special Leave to Appeal against he said order has also been rejected by the Apex Court vide order dated 28.08.2026, this Court finds no valid reason to entertain the instant third suspension of sentence application submitted by the petitioner.

5. Accordingly, the instant third suspension of sentence application is dismissed.

6. However, the petitioner would be at liberty to file fresh application seeking suspension of sentence, in case the appeal preferred by the petitioner is not heard and decided within a period of two years.

(ANOOP KUMAR DHAND),J

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