HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal) No. 1963/2026
CNR: RJHC020898482026 | URN: SOSA / 3493U / 2026

In

S.B. Criminal Appeal No.2110/2026

Mukesh Kumar S/o Mangilal, aged 36 years, R/o Ward No. 6 Dabadi Bypass Mandrela, Thana Mandrela, District Jhunjhunu. The Then Technical Assistant, Junior Engineer Office (O And M) Riico Ajmer Vidhyut Vitran Nigam Limited, District Jhunjhunu.
(At Present, Confined In Central Jail, Jhunjhunu)

----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

For Petitioner(s)	:	Mr. Vijander Singh, Adv. Mr. Vishwas Saini, Adv.
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

27/10/2026

1. The instant suspension of sentence application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been preferred against the judgment dated 08.09.2026, passed by the learned Special Judge, Prevention of Corruption Act, District Jhunjhunu, in Regular Criminal Case No. 70/2026 (05/2017), arising out of FIR No. 162/2017 dated 23.06.2017, registered by the ACB, Jaipur, whereby the appellant-petitioner has been convicted and sentenced under Section 7 of the Prevention of Corruption Act, 1988, to three years' simple imprisonment with a

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fine of ₹25,000/-, and in default of payment of fine, to undergo one month's additional simple imprisonment. He has also been convicted under Section 13(1)(d) read with Section 13(2) of the said Act and sentenced to four years' simple imprisonment with a fine of ₹25,000/-, and in default of payment of fine, to undergo one month's additional simple imprisonment.

2. It is contended by learned counsel for the applicant that the regular hearing of the appeal may take considerable time, the applicant has been in custody since his conviction and he is a government servant who remained on bail during the trial and never violated any of the bail conditions, therefore, the suspension of sentence application filed by the applicant may be allowed.

3. As per the certificate under Rule 311(3) of the Rajasthan High Court Rules, the appellant was on bail during the trial and has been sentenced to four years' imprisonment. He is in Central Jail, Jhunjhunu, since 08.09.2026.

4. Learned Public Prosecutor has vehemently opposed the submissions made by learned counsel for the applicant.

5. Heard and perused the material available on record.

6. Upon considering the arguments advanced by learned counsel for both the parties and taking into account the fact that the applicant remained on bail during the trial and did not violate any of the conditions imposed upon him, coupled with the fact that he is a government servant, has been in custody since the date of conviction and the regular hearing of the appeal is likely to take considerable time, 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 Bharatiya Nagarik Suraksha Sanhita, 2023, is allowed. It is ordered that the execution of the sentence awarded to the applicant-appellant-**Mukesh Kumar S/o Mangilal,** by the learned trial Court vide judgment dated 08.09.2026, shall remain suspended during the pendency of the appeal and the applicant-appellant shall be released on bail, provided he furnishes a personal bond in the sum of ₹1,00,000/- with two sureties of ₹50,000/- each to the satisfaction of the learned trial Court, undertaking to appear before this Court on the date fixed and as and when called upon to do so till the disposal of the appeal, subject to the following conditions:-

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

ii. That if the applicant changes his place of residence, he will give his changed address in writing to the learned trial Court as well as to learned counsel in the High Court, who shall, in turn, inform this Court.

iii. Similarly, if the sureties change their addresses, they will give their changed addresses in writing to the learned trial Court.

8. The learned trial Court shall keep the record of attendance of the accused-applicant in a separate file. Such file shall be registered as a Criminal Misc. Case relating to the original case in which the accused-applicant was tried and convicted. A copy of this order shall also be placed in that file for ready reference. The Criminal Misc. file shall not be taken into account for statistical purposes relating to pendency and disposal of cases in the learned

trial Court. In case the accused-applicant does not appear before the learned trial Court, the learned trial Judge shall report the matter to the High Court for cancellation of the benefit extended by this order.

(PRAVEER BHATNAGAR),J

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