HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Suspension of Sentence Application No.2058/2026

In

S.B. Criminal Appeal No. 2232/2026
CNR: RJHC020943872026 | URN: CRLAS / 3887U / 2026

Shabbir Khan S/o Shri Munavvar, Aged About 28 Years, R/o Mohalla Gopalgarh, Sedh Ka Madh, Bharatpur, Police Station Mathura Gate Bharatpur, Rajasthan.
(At Present Confined In Central Jail Sewar, Bharatpur)

----Appellant

Versus

State Of Rajasthan, Through P.P.

----Respondent

For Appellant(s)	:	Mr. Suraj K Dixit, Adv. Through V.C.
For Respondent(s)	:	Mr. Manvendra Singh, 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 Additional Sessions Judge (Women Atrocity Cases), Bharatpur, in Sessions Case No. 35/2024, arising out of FIR No. 788/2024, registered at Police Station Mathura Gate, District Bharatpur, whereby the appellant has been convicted and sentenced as follows:-

> (i) for the offence under Section 75(2) of the Bharatiya Nyaya Sanhita, 2023, to undergo two years' simple imprisonment and pay a fine of

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₹5,000/-, and in default of payment of fine, to undergo further two months' simple imprisonment.

(ii) for the offence under Section 351(2) of the Bharatiya Nyaya Sanhita, 2023, to undergo six months' simple imprisonment and pay a fine of ₹1,000/-, and in default of payment of fine, to undergo further one month's simple imprisonment.

(iii) for the offence under Section 352 of the Bharatiya Nyaya Sanhita, 2023, to undergo six months' simple imprisonment and pay a fine of ₹1,000/-, and in default of payment of fine, to undergo further one month's simple imprisonment.

2. It is contended by learned counsel for the applicant that the sentence awarded to the applicant was suspended by the learned trial Court itself vide order dated 08.09.2026. It is further submitted that the applicant has never breached any of the conditions imposed by the learned trial Court and that the regular hearing of the appeal is likely to take considerable time, therefore, the application for suspension of sentence may be allowed.

3. Certificate under Rule 311(3) of the Rajasthan High Court Rules to the effect that the accused-appellant has been convicted vide judgment dated 08.09.2026 and is presently confined in Central Sewar Jail, Bharatpur, since the date of the judgment.

4. Learned Public Prosecutor has vehemently opposed the submissions made by 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 never breached any of the conditions imposed upon him, the sentence awarded to the applicant has already been suspended by the learned trial

Court vide order dated 08.09.2026 and there are no criminal antecedents against the accused-applicant, coupled with the fact that 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 sentence awarded to the applicant-appellant-**Shabbir Khan S/o Shri Munavvar**, 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 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 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 the place of residence, he will give in writing his 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.

iii. 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.

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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