HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal) No. 2110/2026
CNR: RJHC020962732026 | URN: SOSA / 3808U / 2026

In

S.B. Criminal Appeal No.2284/2026

Hanif Shah S/o Ganni Sai, Aged About 28 Years, R/o Jamdoli, Police Station Baroni, District Tonk, Presently Residing At Gulab Colony, Chandsain, Police Station Lalsot District Dausa. (Presently Confined In District Jail Dausa).

----Petitioner

Versus

State Of Rajasthan, Through P.P.

----Respondent

For Petitioner(s)	:	Mr. Umesh Dixit
For Respondent(s)	:	Mr. Vivek Choudhary, PP with Mr. Anirudh Singh

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HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

16/11/2026

1. The instant suspension of sentence application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023, has been preferred by the applicant against the judgment dated 24.09.2026, passed by the Court of Additional Sessions Judge, Lalsot, District Dausa (Raj.), in Sessions Case No.27/2019 as under:-

> **Under Section 324 of IPC:**
> Two years' rigorous imprisonment and a fine of Rs.3,000/-, in default of payment of fine, two months' additional rigorous imprisonment.

Under Section 307 of IPC:
Five years' rigorous imprisonment and a fine of Rs.15,000/-, in default of payment of fine, six months' additional rigorous imprisonment.

All the sentences awarded to the accused-applicant shall run concurrently.

2. It is contended by learned counsel for the applicant that learned trial Court has not appreciated the evidence in its correct perspective. It is further submitted that the injuries sustained to the injured were found to be simple in nature and not dangerous to life. The Trial Court erred in convicting the victim under Section 307 of IPC. The incident took without any pre-meditation. The applicant was on bail during trial, regular hearing of the appeal is likely to take considerable time, therefore, the application for suspension of sentence be allowed and the applicant be released on bail.

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

4. Certificate under Rule 311(3), Rajasthan High Court Rules to the fact that the applicant was on bail during trial and he is presently confined in District Jail, Dausa.

5. Heard and perused the material available on record.

6. Upon considering the argument advanced by learned counsel for the parties and material available on record, especially considering the fact that the applicant was on bail during trial and never breached the conditions. Dr. Abhijeet PW-3 in his cross-examination has stated that all the injuries sustained to the injured were found to be simple in nature and not dangerous to life, regular hearing of the appeal will take considerable time, therefore, in view of the aforesaid facts and circumstances of the

case, this Court deems it just and proper to suspend the sentence awarded to the applicant during the pendency of the appeal.

8. 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 applicant- **Hanif Shah S/o Ganni Sai,** by the Court of Additional Sessions Judge, Lalsot, District Dausa (Raj.), in Sessions Case No.27/2019 vide judgment dated 24.09.2026, shall remain suspended during the pendency of the appeal and the applicant 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 16.12.2026 and as and when called upon to do so till the disposal of the appeal, subject to the following conditions:

> (i) That the applicant shall appear before the learned trial Court in the month of January of every year till the appeal is decided.
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> (ii) That if the applicant changes his place of residence, he shall furnish his changed address in writing to the learned trial Court as well as to learned counsel representing him before this Court, who shall, in turn, inform this Court.
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> (iii) That if any surety changes his address, the surety shall furnish the changed address in writing to the learned trial Court.

9. The learned trial Court shall maintain a record of the attendance of the accused-applicant in a separate file. Such file shall be registered as a Criminal Miscellaneous 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 the said file

for ready reference. The Criminal Miscellaneous Case shall not be taken into account for statistical purposes relating to the pendency and disposal of cases before the learned trial Court. In the event that the accused-applicant fails to appear before the learned trial Court, the learned trial Judge shall report the matter to this Court for cancellation of the benefit extended by this order.

(PRAVEER BHATNAGAR),J

Crt_14/D-A/77/KESHAV GHIYA