HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Suspension of Sentence Application No.2199/2026
IN
S.B. Criminal Appeal (Sb) No.2388/2026
CNR: RJHC021021092026 | URN: CRLAS / 4185U / 2026

1. Ramkalyan Gurjar Son Of Shri Madanlal Gurjar, Aged About 25 Years, Resident Of Village Seepura, Police Station Datwas, District Tonk. (At Present Confined In Central Jail, Jaipur)
2. Manraj Gurjar Son Of Shri Bhaguta Gujar, Aged About 30 Years, Resident Of Village Rayda Modarpura, Police Station Datwas, District Tonk. (At Present Confined In Central Jail, Jaipur)

----Appellants

Versus

State Of Rajasthan, Through P.p

----Respondent

For Appellant(s)	:	Mr. Manish Kumar Meena with Mr. Mahendra Shandilya
For Respondent(s)	:	Mr. Manvendra Singh, P.P.

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR
Order

28/10/2026

1. This suspension of sentence application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the appellants-applicants. The applicants have been convicted and sentenced by the learned Additional Sessions Judge, No.1, Jaipur Metropolitan – I, vide its judgment dated 12.10.2026 passed in Case No.15/2025, CIS No.371/2025 as under:-

> **Under Section 115(2) BNS**: Three months simple imprisonment along with fine of Rs.1,000/-

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and in default of payment of fine, fifteen days' additional simple imprisonment.

Under Section 126(2) BNS: One month simple imprisonment along with fine of Rs.500/- and in default of payment of fine, seven days' additional simple imprisonment.

Under Section 324(5) BNS: One year simple imprisonment along with fine of Rs.5,000/- and in default of payment of fine, one month additional simple imprisonment.

Under Section 117(2) read with 3(5) BNS: Two years simple imprisonment along with fine of Rs.10,000/- and in default of payment of fine, one month additional simple imprisonment.

2. It is contended by the learned counsel for the applicants that the applicants have already served more than half of the punishment imposed upon them by the learned trial Court and as the regular hearing of the appeal may take considerable time, this suspension of sentence application may be allowed.

3. Learned Public Prosecutor has vehemently opposed the application for suspension of sentence of the applicants.

4. Certificate under Rule 311(3), Rajasthan High Court Rules is submitted by the learned counsel for the applicants to the fact that applicants were in judicial custody during trial and presently both the applicants are serving their sentence in Central Jail, Jaipur.

5. Heard and perused the material available on record.

6. Taking into consideration the aforesaid facts and the fact that applicants have already served 1 year 2 months and 9 days till 26.10.2026 of the punishment imposed upon them by the learned

trial Court and the regular hearing of the appeal may 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 BNSS is allowed and the sentence awarded to the appellant-applicants: **1.Ramkalyan Gurjar S/o Shri Madanlal Gurjar** & **2.Manraj Gurjar S/o Shri Bhaguta Gujar,** in Case No.15/2025, CIS No.371/2025, shall remain suspended during pendency of the appeal. The appellants-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, for appearance before the learned trial Court on 30.11.2026 and whenever ordered to do so till disposal of the appeal, subject to the following conditions:—

1. That the appellants-applicants shall appear before the learned trial Court in the month of January of every year till the appeal is decided.
2. That in case the appellants-applicants change the place of residence, they shall furnish the changed address in writing to the learned trial Court as well as to the counsel appearing before this Court.
3. That in case the surety/sureties change their address, he/she/they shall furnish the changed address in writing to the learned trial Court.
4. That the applicants shall mark their presence in the concerned Police Station on 25th of every month till this appeal is finally decided.

8. The learned trial Court shall keep the record of attendance of the appellants-applicants in a separate file. Such file shall be

registered as a Criminal Miscellaneous Case related to the original case in which the appellants-applicants were 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 pendency and disposal of cases before the learned trial Court. In case the appellants-applicants fail to appear before the learned trial Court in terms of this order, the learned trial Court shall report the matter to this Court for appropriate orders regarding cancellation of bail.

(PRAVEER BHATNAGAR),J

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