HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Suspension of Sentence Application No.2219/2026
IN
S.B. Criminal Appeal (Sb) No. 2410/2026
CNR: RJHC021031002026 | URN: CRLAS / 4227U / 2026

1. Ramswaroop Son Of Ramu, Aged About 54 Years,
2. Bhori Devi Wife Of Ramswaroop, Aged About 55 Years,
3. Anil Son Of Ramswaroop, Aged About 31 Years,
4. Guddi Devi Wife Of Kamal, Aged About 29 Years,
5. Kamal Kumar Son Of Ramswaroop, Aged About 36 Years, All Residents of Lali, Police Station Jamwaramgarh, District Jaipur.

----Appellants

Versus

State Of Rajasthan, Through Public Prosecutor.

----Respondent

For Appellant(s)	:	Mr. Nitin Jain
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.4, Jaipur District, Jaipur, vide its judgment dated 12.10.2026 passed in Case No.01/2016 (27/2016) as under:-

> **1. Ramswaroop S/o Ramu**
>
> **Under Section 143 IPC**: Six months simple imprisonment along with fine of Rs.1,000/- and in default of payment of fine, seven days' additional imprisonment.

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Under Section 341 IPC: One month simple imprisonment and fine of Rs.500/- and in default of payment of fine, five days' additional imprisonment.

Under Section 323/149 IPC: One year simple imprisonment and fine of Rs.1,000/- and in default of payment of fine, fifteen days' additional imprisonment.

Under Section 324 IPC: Three years simple imprisonment and fine of Rs.50,000/- and in default of payment of fine, one month additional imprisonment.

Under Section 447/149 IPC: Three months simple imprisonment and fine of Rs.500/- and in default of payment of fine, fifteen days' additional imprisonment.

2. Bhori Devi W/o Ramswaroop

3. Anil S/o Ramswaroop

4. Guddi Devi W/o Kamal

5. Kamal Kumar S/o Ramswaroop

Under Section 143 IPC: Six months simple imprisonment along with fine of Rs.1,000/- and in default of payment of fine, seven days' additional imprisonment.

Under Section 341 IPC: One month simple imprisonment and fine of Rs.500/- and in default of payment of fine, five days' additional imprisonment.

Under Section 323/149 IPC: One year simple imprisonment and fine of Rs.1,000/- and in default of payment of fine, fifteen days' additional imprisonment.

Under Section 324/149 IPC: Three years simple imprisonment and fine of Rs.50,000/- and in

default of payment of fine, one month additional imprisonment.

Under Section 447/149 IPC: Three months simple imprisonment and fine of Rs.500/- and in default of payment of fine, fifteen days' additional imprisonment.

2. It is contended by the learned counsel for the applicants that the applicants have been convicted for three years punishment under Section 324 IPC. It is further contended by the learned counsel for the applicants that the trial Court suspended the appellants' sentence under Section 389 of the Cr.P.C. for a month. It is further contended by the learned counsel for the applicants that there are no criminal antecedents registered against the applicants and the applicants were on regular bail during trial and never violated the conditions 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 on bail during trial of the case and the sentence of the applicants have already been suspended for a period of 30 days from the date of passing of the impugned judgment and order dated 12.10.2026.

5. Heard and perused the material available on record.

6. Taking into consideration the aforesaid facts and the fact that applicants' sentence has already been suspended for a period of one month, absence of any criminal antecedents against the

applicants, regular hearing of the appeal will 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.Ramswaroop S/o Ramu, 2.Bhori Devi W/o Ramswaroop, 3.Anil S/o Ramswaroop, 4.Guddi Devi W/o Kamal** & **5.Kamal Kumar S/o Ramswaroop,** in Case No.01/2016 (27/2016), 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.

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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