



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Criminal Misc. Suspension of Sentence Application (Appeal)
No. 1127/2026

In

S.B. Criminal Appeal No.1153/2026
CNR: RJHC010626872026 | URN: SOSA / 2491U / 2026

1. Mukesh Alias Fugga S/o Madan Lal, Aged About 24 Years, R/o Bhilmagri, Jalchakki, Kankroli, Police Station Kankroli, District Rajsamand, Rajasthan.
(Presently Lodged in District Jail Rajsamand)
2. Moid Alias Hasim Khan S/o Aftab Khan, Aged About 32 Years, R/o Azad Nagar, Jalchakki, Present Residnet Of Baghpura Madina, Colony, Police Station Kankroli, District Rajsamand, Rajasthan.
(Presently Lodged in District Jail Rajsamand)

----Applicants

Versus

1. State of Rajasthan through PP
2. Kishan Lal S/o Bal Bachan Prajapat, R/o Awari Mata Mandir Ke Pas, Jawahar Nagar, Police Station Pratapnagar, District Bhilwara, Rajasthan

----Respondents

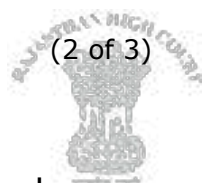
For Applicant(s)	:	Mr. Prakash Banjara for Mr. Neeraj Gurjar
For Respondent(s)	:	Mr. N.S. Chandawat, PP for the State

HON'BLE MS. JUSTICE REKHA BORANA

Order

10/08/2026

1. The present suspension of sentence application has been filed under Section 430 of BNSS whereby the appellants-applicants seek suspension of sentence awarded to them vide judgment dated 16.06.2026 passed by Special Judge (Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases), Rajsamand in Sessions Case No.04/2022 (CIS No.06/2022) whereby the



appellants-applicants have been convicted and sentenced as under:

Applicants - Mukesh Alias Fugga and Moid Alias Hasim Khan		
Offence for which convicted	Substantive sentence	Default sentence
Section 3/25 of the Arms Act	2 Years' S.I. and Fine of Rs.1,000/- each	In default of payment of fine to further undergo 15 days' S.I.

2. Counsel for the appellants-applicants submits that the punishment imposed is for a period of two years. Counsel further submits that the appellants-applicants have been in custody since the date of judgment i.e., 16.06.2026 and hearing of the appeal is likely to take long time, therefore, the application for suspension of sentence deserves to be granted.

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

4. Heard the Counsels. Perused the material available on record.

5. Keeping into consideration the short period of punishment of two years and that hearing of the appeal is likely to take long time, the application for suspension of sentence filed under Section 430, BNSS is **allowed** and it is ordered that the sentence passed by the Special Judge (Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act Cases), Rajsamand in Sessions Case No.04/2022 (CIS No.06/2022) vide order dated 16.06.2026 against the appellants - applicants **(1) Mukesh Alias Fugga S/o Madan Lal and (2) Moid Alias Hasim Khan S/o Aftab Khan** shall remain suspended till final disposal of the aforesaid appeal and they shall be released on bail provided each



of them executes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned Trial Judge and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

(i). That they will appear before the Trial Court in the month of January of every year till the appeal is decided.

(ii). That if the applicants change the place of residence, they shall furnish in writing their changed address to the Trial Court as well as to the Counsel in the High Court.

(iii). Similarly, if the sureties change their address(s), they shall furnish in writing their changed address to the Trial Court.

6. The learned Trial Court shall keep the record of attendance of the accused-applicants in a separate file. Such file shall be registered as a Criminal Misc. Case related to original case in which the accused-applicants were tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file shall not be taken into account for statistical purpose relating to pendency and disposal of cases in the Trial Court. In case the said accused-applicants do not appear before the Trial Court, the learned Trial Judge shall report the matter to the High Court for cancellation of bail.

(REKHA BORANA),J