



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

D.B. Criminal Misc Suspension Of Sentence Application

No. 1821/2025

IN

D.B. Criminal Appeal No.2059/2025

1. Rohit S/o Late Shri Chetram, Aged About 23 Years, Ward No 10 Sangariya District Hanumangarh (Presently Lodged At Sub Jail Sangariya Dist. Hanumangarh)
2. Sunil S/o Late Shri Om Prakash, Aged About 23 Years, Ward No 10 Near Sub Stand Sangariya District Hanumangarh (Presently Lodged At Sub Jail Sangariya Dist. Hanumangarh)

----Petitioners

Versus

State Of Rajasthan, Through Pp

----Respondent

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For Petitioner(s) : Mr. Nishant Bora  
For Respondent(s) : Mr. Deepak Choudhary, AAG  
For Complainant(s) : Mr. Nishant Gaba  
Mr. Avik Aggarwal

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**HON'BLE MR. JUSTICE INDERJEET SINGH  
HON'BLE MRS. JUSTICE SANGEETA SHARMA  
Order**

**19/11/2025**

1. This suspension of sentence application has been filed by the accused-applicants along with the appeal.
2. Learned counsel for the accused-applicants has submitted that the accused-applicants have been convicted for the offences punishable under Sections 304/34, 341/34, 323/34, 324/34 and 325/34 of the Indian Penal Code, 1860.
3. Learned counsel for the accused-applicants has annexed the certificate under Rule 311 (3) of the Rajasthan High Court Rules to the effect that the accused-applicants arrested in connection with FIR No.619/2022 on 21.10.2022 and since the accused-applicants



are in judicial custody. He further submits that the sentence of ten years has been awarded to the accused-applicants for the offence under Section 304/34 of IPC and they have been falsely implicated in this matter. He further submits that on the date of the alleged incident, the presence of the accused-applicants is doubtful. He further submits that the injured eye-witness namely Ashok Kumar (PW-2), who is the brother of the deceased, has deposed that he named the accused-applicants only on the basis of having read their names in the newspaper. He further submits that the statements of the injured eye-witness was recorded by the investigating agency after a delay of 14 days. He further submits that the learned Trial Court has convicted the accused-applicants for a period of ten years and the accused-applicants have already served the sentence for more than three years. He further submits that there was neither any enmity between the parties nor any motive for the accused-applicants to cause injuries to the deceased. He further submits that it is a case of free fight and the deceased sustained injuries from a brick blow. He further submits that hearing of appeal may take long time and prayed that sentence awarded to the applicants may be suspended and they be released on bail during the pendency of the appeal.

4. Learned Additional Government Advocate assisted by learned counsel for the complainant opposed the application for suspension of sentence and submitted that the accused-applicants were named in the FIR and the deceased died on the same day.

5. We have heard counsel for the parties and perused the record.





6. Considering the facts and circumstances of the present case and also considering the statement of Ashok Kumar (PW-2) who is brother of the deceased as well as the fact that the accused-applicants have been convicted for a period of ten years by the learned Trial Court and they have served the sentence for a period of more than three years and there was neither any enmity between the parties nor any motive for the accused-applicants to cause injuries to the deceased and hearing of appeal may take long time, we deem it just and proper to allow this criminal miscellaneous suspension of sentence application.

7. In that view of the matter, this criminal miscellaneous suspension of sentence application is allowed and it is ordered that execution of sentence awarded to the applicants shall remain suspended during the pendency of the criminal appeal and the applicants be admitted to bail subject to satisfaction of the trial Court with the stipulation that they shall appear before this Court on 19.12.2025 and thereafter as and when called upon to do so.

8. Office is directed to send a copy of this order to the concerned trial Court through e-mail/fax for necessary compliance.

**(SANGEETA SHARMA),J**

**(INDERJEET SINGH),J**

17-Arun/-

