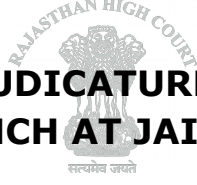


**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**



D.B. Criminal Misc Suspension Of Sentence Application (Appeal)  
No. 2460/2024

In

D.B. Criminal Appeal No.170/2024

Ravindra @ Bhura Son Of Ved Prakash, Resident Of Navada -R,  
Police Station Sanoli District Panipath (Haryana) Presently  
Confined In Special Central Jail, Dausa

----Applicant

Versus

State Of Rajasthan, Through Public Prosecutor

----Respondent

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For Applicant(s) : Mr. Dheeraj Singhal with  
Ms. Bhawna Laddha  
For Respondent(s) : Mr. Vijay Singh Yadav, PP

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**HON'BLE MR. JUSTICE AVNEESH JHINGAN  
HON'BLE MR. JUSTICE PRAVEER BHATNAGAR**

**Order**

**07/10/2025**

1. This is an application filed for suspension of sentence by Ravindra @ Bhura.
2. The brief facts are that F.I.R. No. 17/2020 was registered at Police Station Baswa, District Dausa at the instance of PW-1 Surjeet Kumar, brother of the deceased - Vishnu. The complainant approached the police after finding the dead body of the deceased who sustained the gun-shot injury. Subhash, Ravindra and Seema were nominated as accused.
3. The applicant was convicted under Sections 302, 120-B of IPC & 3/25 of the Arms Act, 1959 and was sentenced to undergo

life imprisonment and fine of Rs. 50,000/- was imposed. In case of default in payment of fine, the applicant has to undergo three months rigorous imprisonment.

4. Learned counsel for the applicant submits that the conviction is based upon circumstantial evidence. The contention is that only link of applicant with incidence relied upon by the prosecution is the recovery of country made pistol (katta) at the instance of the applicant. It is argued that FSL and the ballistic reports does not connect the recovered katta with the soft nose copper jacketed bullet recovered. Moreover, katta was recovered after one year of the incident. It is further argued that the applicant is in custody for more than four and half years and that the sentence of two co-accused was suspended by this Court.

5. Learned Public Prosecutor opposes the prayer and submits that PW-19 Sunil Kumar testified to have given the contact number of deceased to Subhash for hiring the car. The submission is that the katta used in the incident was recovered at the instance of the applicant. Further it is not disputed that Subhash, Seema and the applicant were last seen with the deceased.

6. The observations made hereinafter shall not be construed as an opinion on the merits of the case by this Court. These are only for purpose for deciding the application for suspension of sentence.

7. The case of the prosecution is based upon circumstantial evidence. The issue as to whether the prosecution was able to prove the complete chain of circumstances remains the subject matter of appeal. The contention of learned counsel for the applicant is that the recovery of the katta at the instance of the

applicant is of no avail to the prosecution, as the FSL report does not connect the weapon with the incident moreover, recovery of the katta was made almost one year after the incident. Considering the facts, circumstances and nature of allegation against the applicant, the appeal is likely to take time and sentence of co-accused was suspended, the application for suspension of sentence is allowed. It is ordered that execution of sentence awarded to the accused-applicant by the trial court vide judgment dated 11.03.2024 in Sessions Case No. 20/2020 CIS No.57/2020, shall remain suspended during the pendency of the appeal and he be admitted to bail subject to satisfaction of the trial Court with the stipulation that he shall appear before this Court on 10.11.2025 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 immediately through e-mail/fax for necessary compliance.

(PRAVEER BHATNAGAR),J

(AVNEESH JHINGAN),J