



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



D.B. Criminal Misc Suspension Of Sentence Application (Appeal)  
No. 2473/2025

In

D.B. Criminal Appeal No.510/2025

Kana Ram S/o Shri Sultan Ram, Resident Of Nayabas (Dudhwa),  
Police Station Dataram Garh, District Sikar, Rajasthan. (Accused  
Presently Confined In Central Jail Bikaner)

-----Accused/Appellant

Versus

The State Of Rajasthan, Through Public Prosecutor.

-----Respondent

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For Petitioner(s) : Mr. Mohit Balwada with  
Mr. Sunil Shekhawat  
For Respondent(s) : Mr. Shree Ram Dhakar, PP

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**HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL  
HON'BLE MR. JUSTICE CHANDRA PRAKASH SHRIMALI**

**Order**

**23/01/2026**

This suspension of sentence application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the accused-applicant (for brevity, "the applicant") alongwith the appeal. The applicant has been convicted and sentenced by the learned Additional District and Sessions Judge, Dantaramgarh District Sikar (for short, 'the learned trial Court') vide judgment dated 18.09.2025 passed in Sessions Case No.01/2019 (182/18) (CIS No.01/2019) as under:-

1. **Under Section 323 IPC:** One year simple imprisonment and fine of ₹1,000/- in default whereof, one month's additional simple imprisonment.



2. **Under Section 302/34 IPC:** Life imprisonment and fine of ₹30,000/- in default whereof, three months' additional simple imprisonment.

Sentences to run concurrently.

Learned counsel for the applicant submits that the incident occurred at the spur of moment without any premeditation. He further submits that there were omnibus allegations of beating the deceased by as many as six persons; but, the police filed charge-sheet only against four accused persons including the applicant who have been convicted under Section 302 read with Section 34 IPC. Learned counsel submits that the suspension of sentence application filed by other three accused has already been allowed by a co-ordinate Bench vide order dated 27.02.2023 and his case is not distinguishable from their case. He contends that he has remained in custody for a period of more than two years and ten months, hearing of the appeal is likely to take time and prays for suspension of sentence awarded to him.

Learned Public Prosecutor opposed the prayed.

Heard. Considered.

From the evidence on record, it is evident that the incident has occurred at the spur of moment and there are omnibus allegations against six accused persons including the applicant. Suspension of sentence application filed by the three accused persons convicted under Section 302/34 IPC has been allowed by a co-ordinate Bench of this Court vide order dated 27.02.2023. Learned Public Prosecutor has not been able to distinguish applicant's case from their case. The applicant has already served





the sentence for a period more than two years and ten months and hearing of the appeal is likely to take time.

In view thereof, the suspension of sentence application is allowed. Substantive sentences awarded to the applicant by the learned trial Court vide judgment dated 18.09.2025 shall remain suspended during pendency of the appeal and the applicant-**Kana Ram S/o Shri Sultan Ram** shall be released on bail provided that he furnishes bail bonds to the satisfaction of the learned trial Court to the effect that he shall appear before this Court on or before 23.02.2026 and as and when called upon to do so till disposal of the appeal and subject to the following conditions:-

1. That he will appear before the learned trial Court in the month of January of every year till the appeal is decided.
2. That if the applicant changes the place of residence, he will give in writing his changed address to the learned trial Court as well as to the learned counsel in the High Court who shall, in turn, inform this Court.
3. Similarly, if the surety(ies) change(s) his/their address(es), he/they will give in writing his/their changed address to the learned trial Court.

The learned trial Court shall keep the record of attendance of the accused-applicant in a separate file(s). Such file(s) be registered as Criminal Misc. Case relating to original case in which the accused-applicant was tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file(s) shall not be taken into account for statistical purpose relating to pendency and disposal of the cases in the learned trial Court. In case, the said accused-applicant does not appear before the learned trial Court, the learned trial Judge shall report the





matter to the High Court for cancellation of benefit extended by  
this order.

(CHANDRA PRAKASH SHRIMALI),J

(MAHENDAR KUMAR GOYAL),J

DIKSHA /21

