

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



S.B. Criminal Misc Suspension Of Sentence Application (Appeal)  
No. 1596/2023

In  
S.B. Criminal Appeal No.2985/2023

Kalla @ Kalyan Singh S/o Shri Rajaram, Resident Of Bheem Nagar, Town Sarmathura, Police Station Sarmathura, District Dholpur. (At Present Confined In District Jail, Dholpur)

----Appellant

Versus

1. State Of Rajasthan, Through P.P.
2. Victim D/o Shri Ram Kumar, R/o Bhim Nagar, Sarmathura, Distt. Dholpur, Rajasthan.

----Respondents

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For Petitioner(s) : Mr. Anil Jain

For Respondent(s) : Mr. Suresh Kumar, P.P.  
Mr. Anshul Sharma

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**HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI**

**Order**

**30/11/2023**

This application for suspension of sentence has been filed by the applicant-appellant alongwith the appeal.

Learned counsel for the applicant-appellant submits that the applicant-appellant has been convicted by the learned Trial Court for offence(s) under Section(s) 323, 341, 308 & 325 I.P.C. and under Section(s) 7/8 POCSO Act and sentenced with a maximum period of five years rigorous imprisonment along with fine as per judgment dated 14.09.2023. The applicant was in judicial custody from 13.01.2019 to 06.06.2020. Counsel has annexed the Certificate under Rule 311 of High Court Rules, 1952 to the effect that the applicant was on bail during trial and presently, he is behind the bars from the date of

judgment of conviction. The statements of the prosecution witnesses have not been appreciated holistically by the learned Trial Court. Counsel submits that the judgment of conviction & sentence passed by the Court below, is totally based upon surmises and conjectures and the appeal is likely to take long time to conclude. Hence, the sentence awarded to the applicant may be suspended during the pendency of the appeal.

Learned Public Prosecutor and learned counsel for the complainant-respondent No.2 have vehemently opposed the submissions made by learned counsel for the applicant-appellant.

Looking to the term of sentence, without commenting upon the merits of the case and considering the submissions made at bar, this Court deems it just and proper to suspend the sentence awarded to the applicant-appellant.

Accordingly, this application for suspension of sentence, is allowed and it is hereby ordered that the execution of sentence awarded to the applicant-appellant, namely **Kalla @ Kalyan Singh S/o Shri Rajaram**, by the Trial Court vide judgment dated 14.09.2023, shall remain suspended during the pendency of the appeal, provided he furnishes a personal bond of Rs.50,000/- together with two sureties of Rs.25,000/- each, to the satisfaction of the learned Trial Court with the stipulation that he shall appear before this Court on 05.01.2024 and thereafter, as and when he is called upon to do so.

(VINOD KUMAR BHARWANI),J

SAURABH /29