

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

S.B. Criminal Appeal (Sb) No. 52/2026

1. Subrati Alias Raju S/o Mohammed Sharif, Aged About 23 Years, Resident Of Sipahi Mohalla, Banera, Police Station Banera District Bhilwara. At Present Opp. Govt.school, Mohar Magri, Gandhi Nagar, Police Stationkotwali, Chittorgarh District Chittorgarh (At Present Lodged In Dist. Jail, Chittorgarh)
2. Smt. Simran Bee W/o Saddam Hussain, Aged About 23 Years, Resident Of Banera Police Station Banera, Bhilwara. At Present Mohar Magri Kachchi Basti, Gandhi Nagar,police Station Kotwali, Chittorgarh District Chittorgarh. (At Present Lodged In Dist. Jail, Chittorgarh)
3. Saddam Hussain S/o Mohammed Sharif, Aged About 27 Years, Resident Of Banera, Police Station Banera,bhilwara. At Present Mohar Magri Kachchi Basti,gandhi Nagar, Police Station Kotwali, Chittorgarh District Chittorgarh. (At Present Lodged In Dist. Jail, Chittorgarh)

----Appellants

Versus

1. State Of Rajasthan, Through PP
2. Smt. Bilkis W/o Mohammed Sharif, Resident Of Mohar Magri Kachchi Basti, Gandhi Nagar, Police Stationkotwali, Chittorgarh District Chittorgarh.

----Respondents

For Appellant(s)	:	Mr. Shrawan Kumar
For Respondent(s)	:	Mr. Sriram Choudhary, P.P. None present for the complainant- respondent No.2 despite service

HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT

Order

09/03/2026

1. Learned Public Prosecutor has produced the report regarding service of notice on the respondent No.2. Despite service of

notice, none appears for the respondent No.2. Appeal has already been admitted.

2. Heard learned counsel for the appellants-applicants and learned Public Prosecutor on application seeking suspension of sentence being **S.B.Criminal Misc. Application for suspension of Sentence No. 48/2026** filed on behalf of applicant-appellant No. 2 Smt. Simran Bee W/o Saddam Hussain and applicant-appellant No.3 Saddam Hussain S/o Mohammed Sharif. Perused the judgment and order impugned and the material available on record.

3. Learned counsel for the accused-applicants submits that the accused-applicants Smt. Simran Bee and Saddam Hussain have been convicted by the trial court for the offences under Sections 342, 315, 120B IPC and Section 16/17 of the POCSO Act. Learned counsel further submits that during trial, the accused-applicants were on bail. Hearing of the appeal is likely to take long time. Therefore, he seeks to enlarge the accused-applicants on bail by suspending the sentence.

4. Learned Public Prosecutor has vehemently opposed the prayer regarding suspension of sentence and prayed to dismiss the application seeking suspension of sentence.

5. Considering the submissions advanced by the learned counsel for the parties and the fact that accused-applicants were on bail during trial and hearing of the appeal is likely to take long time, this Court deems it just and proper to suspend the sentence awarded to the accused-applicants.

6. Accordingly, the application for suspension of sentence filed under Section 430 BNSS (389 Cr.P.C.) is allowed and it is ordered that the sentences passed by the learned Special Judge, Protection of Children from Sexual Offences Act Cases, No.1, District Chittorgarh vide judgment dated 22.12.2025 in Special Sessions Case No.75/2022 against the accused-applicants Smt. Simran Bee W/o Saddam Hussain and Saddam Hussain S/o Mohammed Sharif 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.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the learned trial Judge for their appearance in this court on 09.04.2026 and whenever ordered to do so till the disposal of the appeal.

(YOGENDRA KUMAR PUROHIT),J