

RAJASTHAN HIGH COURT

सत्यमेव जयते

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

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 441/2026
CNR: RJHC010237342026 | URN: SOSA / 885U / 2026

Sunny @ Shani Kumar S/o Lalaram, Aged About 28 Years, R/o
Ward No. 5, Ps Anupgarh, District Sriganganagar, Raj.
(At Present Lodged In Central Jail Sriganganagar)

-----Petitioner

Versus

1. State Of Rajasthan, Pp
2. Khushboo W/o Punamchand, R/o Ward No. 5, Premnagar,
Anupgarh, District Sriganganagar.

-----Respondents

For Petitioner(s) : Mr. Ankit Ghorela

For Respondent(s) : Mr. Ramesh Dewasi, PP

HON'BLE MS. JUSTICE REKHA BORANA

Order

04/08/2026

1. By way of the instant application under Section 430 of BNSS, the appellant-applicant seeks suspension of sentence awarded to him vide judgment dated 13.02.2026 passed by Special Judge, (Protection of Children from Sexual Offences Act, 2012 cum The Commissions for Protection of Child Rights Act, 2005) No.2, Sri Ganganagar in Sessions Case No.78/2025 (CIS No. 97/2025) whereby the appellant-applicant has been convicted and sentenced as under:

Name of the accused	Offence for which convicted	Substantive sentence and fine	Default sentence
Sunny @ Shani	Section 9(m)/10 of	5 years RI with fine of	6 months further RI in default of payment

Kumar	POCSO Act	Rs.50,000/-	of fine
	Section 9(n)/10 of POCSO Act	5 years RI with fine of Rs.50,000/-	6 months further RI in default of payment of fine

2. Learned Counsel for the appellant-applicant submits that the accused applicant had falsely been implicated in the present matter. He submits that the complete prosecution story to the effect that the accused lured the victim to his house remained disproved and none of the witnesses corroborated the staid story. Further, the victim herself admitted that she still visits the accused’s house to play.
3. Counsel submits that the applicant is behind the bars since the date of judgment and was on bail during the complete trial and as the appeal would take time for disposal, his sentence deserves to be suspended.
4. Learned Public Prosecutor vehemently opposed the application for Suspension of Sentence.
5. Heard the Counsels and perused the material available on record.
6. Having considered the overall facts and circumstances of the case and the substantial grounds as raised, this Court is of the opinion that there are strong grounds for challenging the judgment of conviction and as hearing of the appeal is likely to take time, this Court is inclined to suspend the sentences awarded to the applicant-appellant.
7. Accordingly, the present application for suspension of sentence filed under Section 430 BNSS (corresponding to Section 389 Cr.P.C.) is **allowed** and it is ordered that the sentences passed by Special Judge (Protection of Children from Sexual

Offences Act, 2012 cum The Commissions for Protection of Child Rights Act, 2005) No.2, Sri Ganganagar vide judgment dated 13.02.2026 in Session Case No.78/2025 against the appellant-applicant namely **Sunny @ Shani Kumar S/o Lalaram** shall remain suspended till final disposal of the aforesaid appeal and he shall be released on bail provided he executes a personal bond in the sum of Rs.50,000/-with two sureties of Rs.25,000/- each to the satisfaction of the learned Trial Judge for his appearance in this Court on 07.09.2026 and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

(i). That he shall appear before the Trial Court in the month of January of every year till the appeal is decided.

(ii). That if the applicant changes the place of residence, he shall furnish in writing his changed address to the Trial Court as well as to the Counsel in the High Court.

(iii). Similarly, if the sureties change their address(s), they shall furnish in writing their changed address to the Trial Court.

8. The learned Trial Court shall keep the record of attendance of the accused-applicant in a separate file. Such file be registered as Criminal Misc. Case related 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 shall not be taken into account for statistical purpose relating to pendency and disposal of cases in the Trial Court. In case the said accused applicant does not appear before the Trial Court, the



learned Trial Judge shall report the matter to the High Court for
cancellation of bail.

(REKHA BORANA),J