

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

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 597/2026

In

S.B. Criminal Appeal No.628/2026
CNR: RJHC010321912026
URN: SOSA / 1246U / 2026

Pawan S/o Salendra, Aged About 23 Years, Resident Of Ward No. 55, Sureshiya Hanumangarh Junction Police Station Hanumangarh Junction Tehsil And District Hanumangarh. (At Present Lodged In District Jail, Hanumangarh.)

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Manisha D/o Shri Chhoga Ram, Resident Of Ward No. 58, Sureshiya, Hanumangarh Junction Tehsil And District Hanumangarh.

----Respondents

For Petitioner(s)	:	Mr. Rakesh Matoria
For Respondent(s)	:	Mr. Narendra Singh Chandawat, PP Mr. Zafar Khan for complainant

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

09/07/2026

Heard learned counsel for the appellant-applicant, the learned Public Prosecutor and learned counsel for the complainant on the application for suspension of sentence.

Learned counsel for the appellant-applicant submitted that the appellant, who was about 20 years of age at the time of the alleged incident, has been falsely implicated in the present case. It

was submitted that the appellant remained on bail throughout the trial and never misused the liberty granted to him by the Court.

Drawing the attention of the Court to the statements of the victim recorded before the competent criminal Court, learned counsel submitted that the victim voluntarily accompanied the appellant on the date of the incident and travelled with him to various places. During this period, she did not disclose to any person that she had been subjected to forcible sexual assault by the appellant. Learned counsel further submitted that, in fact, after the relationship between the appellant and the victim turned sour, the victim falsely implicated the appellant in the present criminal case.

Learned counsel further submitted that the appellant has no criminal antecedents and there is no likelihood of his absconding or fleeing from justice in the event the sentence awarded by the learned trial Court is suspended. It was also contended that, apart from the aforesaid grounds, several other substantial and arguable grounds are available to the appellant for assailing the impugned judgment of conviction. However, having regard to the heavy pendency of criminal appeals before this Court, the appeal is not likely to be heard in the near future and, therefore, the sentence awarded to the appellant deserves to be suspended during the pendency of the appeal.

Per Contra, the learned Public Prosecutor opposed the application seeking suspension of sentence. However, learned counsel appearing for the complainant submitted that during the pendency of the trial, the parties entered into a compromise and amicably resolved their dispute in the spirit of the Lok Adalat. He,

therefore, submitted that he has no objection if the sentence awarded to the appellant-applicant is suspended during the pendency of the appeal.

Upon consideration of the submissions advanced at the Bar and having regard to the facts and circumstances of the case as borne out from the record, particularly the fact that the appellant-applicant has no criminal antecedents, remained on bail throughout the trial without misusing the liberty granted to him, there is no apprehension of his absconding or fleeing from justice, the complainant has expressed no objection to the suspension of sentence, and the hearing of the appeal is likely to consume considerable time owing to the heavy pendency of criminal appeals before this Court, this Court is of the opinion that it is a fit case for suspending the sentence awarded to the appellant during the pendency of the present appeal.

Accordingly, the application for suspension of sentence filed under Section 430 BNSS (389 Cr.P.C.) is allowed and it is ordered that the sentence passed by the learned Special Judge, POCSO Act Case, No.01, Hanumangarh, vide judgment dated 12.03.2026 in Special Sessions Case No.34/2022 (CIS No.39/2022) against the appellant-applicant **Pawan S/o Salendra**, shall remain suspended till the 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 **11.08.2026** and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

1. That he/she/they will appear before the trial Court in the month of January of every year till the appeal is decided.
2. That if the applicant(s) changes the place of residence, he/she/they will give in writing his/her/their changed address to the trial Court as well as to the counsel in the High Court.
3. Similarly, if the sureties change their address(s), they will give in writing their changed address to the trial Court.

The learned trial Court shall keep the record of attendance of the accused-applicant(s) in a separate file. Such file be registered as Criminal Misc. Case related to original case in which the accused-applicant(s) was/were 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(s) does not appear before the trial court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.

(KULDEEP MATHUR),J