



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



S.B. Criminal Misc. 2nd Suspension Of Sentence Application
(Appeal) No. 604/2023

In

S.B. Criminal Appeal No.254/2021

Bherulal @ Prakash @ Pakka S/o Badrilal, Aged About 25 Years,
B/c Meghwal, R/o Ranawato Ki Sadadi, Police Station Bhupal
Sagar, District Chittorgarh. (Accused Lodged In Dist. Jail,
Chittorgarh).

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Shree Kant Verma.
For Respondent(s)	:	Mr. Ramesh Dewasi, PP.

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

17/07/2025

1. Heard learned counsel for the parties.
2. Learned counsel for the appellant submits that the first application for suspension of sentence was dismissed on 18.05.2022, as it was not pressed at that stage.
 - 2.1. Learned counsel further submits that there has been a material change in circumstances since then, as the appellant has now completed a total custody period of 06 years, 10 months and 01 day. Learned counsel also submits that the total sentence awarded is 10 years rigorous imprisonment.
 - 2.2. Learned counsel further contends that the facts of the case relate to a complaint filed on 01.01.2019 by the complainant



alleging that his son had been subjected to physical abuse and unnatural sex having been caused upon him by the present appellant.

3. Learned Public Prosecutor opposes the suspension of sentence application, but is unable to refute the aforesaid factual matrix.

4. Heard learned counsel for the parties and perused the record of the case.

5. This Court, considering the peculiar factual matrix of the case, particularly the substantial period of custody already undergone by the appellant (i.e., 06 years, 10 months, and 01 day out of the total sentence of 10 years), is inclined to suspend the substantive sentence awarded to the accused-appellant.

6. Accordingly, this second S.B. Suspension of Sentence Application (Appeal) filed under Sec.389 Cr.P.C. is allowed and it is ordered that the substantive sentence passed by learned Special Judge (POCSO Act, 2012), Chittorgarh vide judgment dated 26.02.2021 in Special Sessions Case No.16/2019 against appellant **Bherulal @ Prakash @ Pakka S/o Badrilal** shall remain suspended till final disposal of the aforesaid appeal, 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 **18.08.2025** and whenever ordered to do so, till the disposal of the appeal on the conditions indicated below:-

1. That he will appear before the trial Court in the month of January of every year till the appeal is decided.
2. That if the appellant changes the place of



residence, he will give in writing his changed address to the trial Court as well as to the counsel in the High Court.

3. Similarly, if the sureties change their address, they will give in writing their changed address to the trial Court.

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

(DR.PUSHPENDRA SINGH BHATI),J.