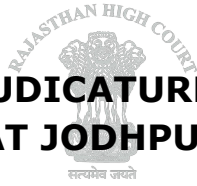


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 749/2026

IN

S.B. Criminal Appeal No.789/2026
CNR: RJHC010395412026
URN: SOSA / 1557U / 2026

Rakesh S/o Shanker Lal, Aged About 40 Years, Resident Of
Kuchaman Road, Deedwana, Police Station, Deedwana, District
Deedwana Kuchaman, Raj. (Lodged In Central Jail, Ajmer)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

Connected With

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 824/2026

In

S.B. Criminal Appeal No.873/2026
CNR: RJHC010433012026
URN: SOSA / 1732U / 2026

Vishal Alias Ajay S/o Shri Durga Ram, Aged About 25 Years,
Resident Of Village Aadakabas Deedwana Ps Deedwana District
Deedwana Kuchaman Raj (Presently Lodged In Central Jail
Ajmer)

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. Bhola Ram Chahar Mr. Shambhoo Singh
For Respondent(s)	:	Mr. Shriram Choudhary, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

06/07/2026

Heard learned counsel for the applicants/appellants and the learned Public Prosecutor on the applications for suspension of sentences.

Learned counsel for the applicants/appellants submitted that in the present case, the FIR was lodged after a delay of more than one month without furnishing any satisfactory explanation for delay in lodging the FIR. Learned counsel submitted that the allegation levelled against the applicants/appellants are not corroborated by the medical evidence(s) or any independent evidence. The learned trial Court has convicted applicants/appellants solely by relying upon the statements of prosecutrix and her husband without there being any direct/corroboratory evidence available on record. Learned counsel submitted that it is settled law that conviction under Section 376-D IPC cannot be made on the basis of unreliable/untrustable or corroboratory evidences.

Learned counsel submitted that the applicants/appellants were on bail during trial and there is nothing on record to show that they have misused the liberty granted to them.

Lastly, learned counsel submitted that the applicants/appellants does not have any criminal antecedents; and there is no likelihood of their absconding or fleeing from justice in the event the sentence(s) awarded to them by the learned trial Court is/are suspended.

Per contra, learned Public Prosecutor has opposed the submissions advanced on behalf of the applicants/appellants and contended that it is not a fit case for suspension of sentence(s).

He submitted that since the judgment of conviction passed against the applicants/appellants is based on cogent/reliable evidence the sentence(s) awarded by the learned trial Court may not be suspended.

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, this Court is of the opinion that it is a fit case for suspending the sentence awarded to the applicants/appellants during the pendency of the present appeals.

Accordingly, the applications for suspension of sentence(s) filed under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 389 Cr.P.C.) are allowed. It is ordered that the sentence(s) passed by the learned District and Sessions Judge, Deedwana, District Deedwana-Kuchaman Raj. vide judgment dated 28.03.2026 in Sessions Case No.07/2020 (CNR No.GJDK010001392020) against the appellants-applicants- **(1) Rakesh S/o Shanker Lal** and **(2) Vishal Alias Ajay S/o Shri Durga Ram**, shall remain suspended till the final disposal of the present appeals and he shall be released on bail, provided each of them furnishes a personal bond in the sum of Rs.50,000/- along with two sureties in the sum of Rs.25,000/- each to the satisfaction of the learned trial Judge for thier appearance before this Court on **10.08.2026** and as and when directed to do so, subject to the following conditions:-

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.

A copy of this order be placed in each file.

(KULDEEP MATHUR),J