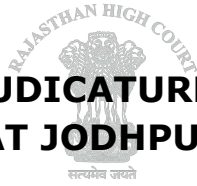


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 1574/2025
CNR: RJHC010735342025
URN: SOSA / 3225U / 2025

Sunil S/o Sh. Sharwan Kumar, Aged About 23 Years, Resident Of
Ward Number 05 Khara Chak (Kanhewala) Ps Goluwala District
Hanumangarh (Lodged In Dist.jail Hanumangarh)

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Veeru Ram S/o Sh. Krishan Lal, Resident Of Amarsingh
Wala Ps Goluwala District Hanumangarh

-----Respondents

For Petitioner(s)	:	Mr. Vipin Makkad Mr. Harshvardan Singh Shekhawat
For Respondent(s)	:	Mr. Narendra Singh, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

08/07/2026

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

Learned counsel for the applicant-appellant submitted that the applicant-appellant, who was about 21 years of age at the time of the alleged incident, has remained in judicial custody since 30.07.2022. Learned counsel further submitted that although the prosecution alleges that the applicant-appellant repeatedly subjected the victim to forcible sexual assault by threatening to circulate her obscene photographs in society, the statements of

various prosecution witnesses, including the Investigating Officer (PW-15), as well as the other material available on record, *prima facie* indicate that the applicant-appellant and the deceased-victim shared a consensual relationship and had mutual affection for each other.

Learned counsel submitted that when their relationship came to the notice of the victim's family members, the deceased allegedly committed suicide. Thereafter, the present FIR was lodged only with a view to falsely implicate the applicant-appellant in the present case.

Learned counsel further contended that no obscene photographs of the deceased-victim, which allegedly formed the basis of the threats attributed to the applicant-appellant, were ever recovered during the course of investigation.

It was further submitted that, apart from the aforesaid grounds, several other arguable and debatable issues arise for consideration in the present appeal, which require detailed examination at the time of final hearing. Learned counsel also submitted that, having regard to the heavy pendency of criminal appeals before this Court, the present appeal is not likely to be heard in the near future. It was further submitted that the applicant-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.

Per contra, the learned Public Prosecutor vehemently opposed the application for suspension of sentence and submitted that the judgment of conviction is based on cogent, reliable and

convincing evidence therefore, the same may not be suspended till pendency of the present criminal appeal.

Upon a consideration of the arguments advanced on behalf of the applicants-appellants and having regard to the facts and circumstances as available on the record, this Court is of the opinion that it is a fit case for suspending the sentences awarded to the accused appellants, during pendency of the instant appeal.

Accordingly, the application for suspension of sentence filed under Section 430 B.N.S.S. is allowed and it is ordered that the sentences passed by the learned Special Judge, POCSO Act Hanumangarh vide judgment dated 22.01.2025 in Sessions Case No.110/2022 (CIS No.128/2022) (State of Rajasthan Vs. Sunil) against the appellant-applicant **Sunil S/o Sh. Sharwan Kumar**, 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 **10.08.2026** 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