

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal)
No. 123/2024

In

S.B. Criminal Appeal No.150/2024

Vishal @ Fabbal S/o Mukesh, R/o Ward No 20, Subhash Nagar Colony, Khairthal Police Station Khairthal District Bhiwadi (At Present The Accused Petitioner Is Confined in The Central Jail Alwar)

----Appellant

Versus

State Of Rajasthan, Through Public Prosecutor

-----Respondent

For Petitioner(s)	:	Mr. Dinesh Chand Sharma with Mr. Sajid Ali
For Respondent(s)	:	Mr. Rajendra Singh Shekhawat, PP

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Order

29/04/2026

Instant application for suspension of sentence has been preferred on behalf of the applicant-appellant under Section 389 of Cr.P.C. alongwith the appeal, to suspend the sentence awarded by the Court of learned Special Judge, Protection of Children from Sexual Offences Act, 2012 and the Commission for Protection of Child Right Act, No.3, Alwar (Raj.) *vide* its judgment dated 08.01.2024, in Sessions Case No.47/2023, whereby the applicant-appellant was convicted for the alleged offence(s) & sentenced to undergo maximum period of ten years rigorous imprisonment with fine.

Learned counsel for the appellant submits that the appellant has been falsely implicated in the present case and has no connection with the alleged offence(s). Counsel further contended that the appellant is in judicial custody since 29.01.2023 and the medical evidence does not support the case against the appellant. Counsel further submits that during the course of trial, the victim has duly elaborated upon their statements and learned Trial Court has not appreciated the evidence as well as facts & circumstances of the case holistically and the hearing of the appeal will take its own time to conclude, hence, the sentence awarded to the applicant-appellant may be suspended during the pendency of the appeal.

It is hereby noted that despite intimation being served on victim/complainant, no one has appeared on behalf of complainant/victim.

Per contra, learned Public Prosecutor has vehemently opposed the application and submitted that the victim is a minor and her date of birth is 31.08.2006. He further submits that the victim has levelled the clear allegations against the appellant in her statements recorded under Sections 161 (Ex.P-14) & 164 (Ex.P-4) of Cr.P.C. as well as during trial (PW-1). Therefore, the application for suspension of sentence deserves to be dismissed.

Heard learned counsel for both the parties. perused the statements of the victim recorded under Section 161 & 164 of Cr.P.C. as well as during trial & the material made available on record.

Thus, without commenting upon the merits/demerits of the case and looking to the age of the victim, evidence adduced against the appellant & overall facts & circumstances of the case, this Court does not deem it appropriate to suspend the sentence awarded to the appellant.

Accordingly, the application for suspension of sentence is dismissed.

(VINOD KUMAR BHARWANI),J

SAURABH /20