

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc Suspension Of Sentence Application (Appeal)
No. 312/2026

In

S.B. Criminal Appeal No.1688/2023

Jagdish Gurjar Son Of Shri Motilal Gurjar, Aged About 26 Years,
Resident Of Ward No. 4, Village Boodhadeet, Police Station
Boodhadeet, District Kota At Present Lodged In The Central Jail,
Kota.

----Appellant

Versus

State Of Rajasthan, Through The Public Prosecutor

-----Respondent

For Appellant(s)	:	Mr. Ashvin Garg with Mr. Ripudaman Shekhawat & Mr. Nonit Hatila
For Respondent(s)	:	Mr. Jaiprakash Tiwari, PP

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Order

25/02/2026

1. Instant application for suspension of sentence has been preferred on behalf of the applicant-appellant under Section 430 of B.N.S.S. alongwith the appeal, to suspend the sentence awarded by the Court of learned Special Judge, Protection of Children from Sexual Offences Act, 2012 & Commission for Protection of Child Rights Act, 2005, No.1, Kota *vide* its judgment dated 25.04.2023, in Sessions Case No.120/2020, whereby the applicant-appellant was convicted for the alleged offence(s) & sentenced to undergo maximum period of twenty years rigorous imprisonment with fine.

2. Learned counsel appearing for the applicant-appellant submits that the applicant is behind the bars since last five years & eleven months. Counsel further submits that there are contradictions with regard to the age of the victim. It is contended that as per the school record, the date of birth of the victim is 21.07.2006, whereas as per the Aadhaar Card, the date of birth is mentioned as 12.07.2004. Counsel further submits that the present matter pertains to a relationship of mutual love and affection between the appellant & the victim and the victim had sent letters to the appellant, which have been exhibited as Ex.D-2 to Ex.D-5. The learned Trial Court has not appreciated the facts & circumstances of the case holistically and the hearing of the appeal will take its own time, hence, the sentence awarded to the applicant-appellant may be suspended during the pendency of the appeal.

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

4. Learned Public Prosecutor has vehemently opposed the submissions made herein-above.

5. Heard learned counsel for the parties and perused the material made available on record.

6. Taking into consideration the conviction, term of sentence & the submissions made at bar and without commenting upon the merits of the case, this Court deems it just and proper to suspend the sentence awarded to the applicant-appellant during the pendency of the appeal.

7. Accordingly, the application for suspension of sentence is **allowed** and it is, hereby, ordered that the execution of sentence awarded to accused-applicant, namely **Jagdish Gurjar Son Of Shri Motilal Gurjar**, by the learned Trial Court shall remain suspended during pendency of the appeal, provided he furnishes a personal bond in the sum of Rs.50,000/- together with two sureties of Rs.25,000/- each, to the satisfaction of the learned Trial Court with the stipulation that he shall appear before this Court on 25.03.2026 and thereafter, as and when he is called upon to do so.

(VINOD KUMAR BHARWANI),J