

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Criminal IV Misc. Suspension Of Sentence Application
(Appeal) No. 513/2026

In

S.B. Criminal Appeal No. 1132/2022
CNR: RJHC020237822026 | URN: SOSA / 980U / 2026

Lal Singh @ Laldaan S/o Shri Kishoredan, R/o Talanpur, Tehsil
Merta, District Nagaur. (At Present In Central Jail, Tonk)

----Appellant

Versus

The State Of Rajasthan, Through Public Prosecutor.

----Respondent

For Appellant(s)	:	Mr. Tej Prakash Sharma with Mr. Vaibhav Jhankra
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

03/08/2026

1. The instant 4th application for suspension of sentence is preferred by the appellant-applicant accused **Lal Singh @ Laldaan S/o Shri Kishoredan**, (hereinafter referred to 'the appellant') in pending appeal aggrieved from order of conviction and sentence dated 25.05.2022 in Sessions Case No.12/2015 (CIS No.89/2016) passed by learned Additional Sessions Judge, (Women Atrocities Cases), Jaipur Metropolitan-II, Jaipur whereby appellant was convicted for offence under Sections 376(2)(n) IPC and sentenced to undergo rigorous imprisonment of 10 years with fine of ₹5,000/- and under Section 67 IT Act with simple imprisonment of 2 years and fine of ₹1,00,000/-.

2. Learned counsel for the appellant while relying upon grounds of appeal submitted that without observing principle of law learned trial court has arrived at a conclusion of conviction. He further submitted that learned trial court has overlooked material contradictions and discrepancies, which goes to root of the matter. He further submitted that the entire case of prosecution rests on testimony of interested witness and no independent witness was examined to corroborate the story of prosecution.

3. Learned counsel for the appellant submits that the applications for suspension of sentence were dismissed by this Hon'ble Court on 24.04.2023 and 04.04.2024 whereas the maximum punishment awarded to the appellant was 10 years. He further submits that the appellant has already undergone more than 5 years against the awarded sentence. He further submits that the age of prosecutrix is 42 years and the appellant undertake not to indulge in any activity prejudicial to prosecutrix.

4. Aforesaid contentions were opposed by learned Public Prosecutor.

5. Heard learned counsel for appellant and learned Public Prosecutor. Perused the record.

6. The first suspension of sentence application of the present appellant was considered by this Court on 24.04.2023 wherein we have observed as under:-

"Herein, the prosecutrix was examined as PW2 and the age of prosecutrix was recorded as 42 years at the time of deposition. It is clearly indicated in her deposition that initially appellant developed his relations with the prosecutrix as her sister due to which she came down by bus. The allegation of rape was made upon present appellant in her

deposition and she remained firm during cross examination.

Herein, it was also alleged that appellant had shown her photo during intimate relation. Further, it was also alleged that she was intimidated before these photos were shown. It was further alleged that appellant had published these photos on internet. Though, in cross-examination, it was admitted that after watching the video clip, the report was registered. PW4 who is son of prosecutrix was also examined wherein he had clearly explained the ordeal faced by his mother. It is also admitted that CD, which was submitted by this witness to the police was not part of record. During the examination of this witness screenshot as part of clip with appellant was exhibited, though, the objection was reserved. Again PW5 is the person wherein appellant was initially working as driver.

Again PW6 brother of prosecutrix was examined by the prosecution and another relative PW7 was examined by the prosecution to prove the charges. The fact of the matter is after registration of FIR, PW10 Sunil admitted the recovery of Micromax mobile phone and also screenshots of messages and photos were taken on record. No doubt about it that from deposition of PW1 or medical report Ex.P1 or even from FSL report Ex.C1 and C2, no medical evidence was found against present appellant.

Herein, looking to allegation one Ex.P10, which are a series of screenshots exchanged between appellant and PW4 son of prosecutrix. These screenshots were considered by learned trial court and learned trial court has concluded that appellant was found guilty for sending inappropriate videos and photos to son of prosecutrix.

Aforesaid Ex.P10 and the statement of witnesses further indicated that the naked and intimate videos, photographs along with video of prosecutrix were shared with son of prosecutrix, though, it is not proved that these videos were shared on other social media platforms but one thing is quite clear that besides rape, the allegation of publishing such videos/photos were also proved by learned trial court.

On earlier occasion in the testimonies of two other witnesses again, the allegations of similar nature were made against appellant, though, in both the cases, appellant was acquitted from charges but in any case appellant is habituated of committing such things, therefore, I do not see any reason in the matter to allow application for suspension of sentence as it would seriously prejudice the life of present victim or prosecutrix. "

7. The latest custody certificate submitted by learned Public Prosecutor indicate that the appellant has already undergone more than 5 years 4 months and 22 days of sentence on 06.05.2026 and after 3 months, we are considering this application for suspension of sentence, thus, the appellant has undergone 5 years and 7 months against maximum sentence of 10 years awarded by the trial Court.

8. Without considering the merits of the case, a fact is also placed on record to show that 4 criminal cases are registered against the appellant which includes current case. Learned counsel for the appellant submits that out of these 3 have been disposed and 2 are relating to same family. He placed reliance upon order dated 18.03.2019 in a matter arising out of FIR No. 401/2015 registered at PS Mahesh Nagar, Jaipur, wherein the appellant was acquitted.

9. On basis of period of custody and non-consideration of appeal on merits, it is appropriate to consider this fourth application for suspension of sentence of the present appellant as in the present case the age of the prosecutrix is 42 years.

10. Therefore, without expressing any opinion on merits, I am of considered view that it is a fit case wherein appellant can be enlarged on bail. The fourth suspension of sentence application

under Section 430 B.N.S.S. is allowed and sentence of appellant accused-**Lal Singh @ Laldaan S/o Shri Kishoredan** is suspended till disposal of appeal with the condition that he would execute a personal bond in the sum of ₹50,000/-with two sureties of ₹25,000/- each to the satisfaction of the learned trial Judge for his appearance in this Court on 07.09.2026 and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

1. After release of appellant on bail, he will not indulge in any criminal activity and if it is found that he is involved in any criminal activity, the order shall be recalled.
2. That he will appear before the trial Court in the month of January of every year till the appeal is decided.
3. That if the applicant 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.
4. Similarly, if the sureties change their address, they will give in writing their changed address to the trial Court.

11. Misc. Application stands disposed of.

12. A copy of this order be sent to learned trial court through E-mail.

(ASHOK KUMAR JAIN),J