

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Stay of Conviction Application
No.2581/2026

IN

S.B. Criminal Appeal No.470/2026

1. Anoop son of Shri Kedar Prasad, aged 32 years, resident of Pilodi Police Station Manpur District Dausa (Raj.)
2. Khemchand son of Shri Chothi Ram, aged 27 years, resident of Pilodi, Police Station Manpur District Dausa (Raj.)

---Accused/applicants

Versus

State of Rajasthan through Public Prosecutor

----Respondent

For Petitioner(s)	:	Mr. Banwari Lal Saini, Advocate & Mr. Manish Gupta, Advocate
For Respondent(s)	:	Mr. Sudesh Kumar Saini, P.P. with Mr. Navdeep Singh, Advocate Mr. Tekchand Swami, Advocate for the Complainant

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Order

Reserved on	:::	17/04/2026
Pronounced on	:::	22/04/2026

Instant application for stay of conviction under Section 438 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* has been filed on behalf of the applicant No.1, namely Anoop against the impugned judgment dt.16.02.2026 passed by the Court of Id. Special Court, Protection of Children From Sexual Offences Act, 2012 and the Commissions For Protection of Child Rights Act, 2005, Dausa, in Sessions Case No.37/2023. By the aforesaid judgment, the accused-applicants were acquitted for offences punishable under Section 363/511 of I.P.C. r/w Sections 11(IV)/12 & 16/17 of the POCSO Act. They were convicted for offences punishable under Sections 366/511 &

120-B of I.P.C. and were sentenced to undergo a maximum period of three-years' rigorous imprisonment with a fine.

Learned counsel appearing for the accused-applicant No.1, namely Anoop submits that the application for suspension of sentence filed by the applicant No.1, namely Anoop has already been allowed by a Co-ordinate Bench of this Court *vide* order dt.24.03.2026. Counsel further submits that the applicant No.1 is a Tehsil Revenue Accountant in the Office of District Collector, Karauli. Counsel also submits that in the instant case, a Final Report, in negative form was filed against the applicant No.1 and another accused person, namely Khemchand. Thereafter, upon an application filed by the complainant under Section 190/193 Cr.P.C., the Id. trial Court took cognizance against the applicants. The applicants challenged the order of cognizance by way of filing a revision petition before this Court and this Court stayed the said order *vide* order dt.02.06.2023. The said revision petition was disposed of *vide* order dt.03.04.2025 and thereafter, the Id. trial Court, upon completion of trial has acquitted the applicant from the charges of POCSO Act and convicted him only for the offence punishable under Sections 366/511 & 120-B I.P.C. Counsel further submits that the applicants have falsely been implicated in the matter. The Id. trial Court has not appreciated the facts & circumstances of the case holistically. The applicant is a sole bread earner in the family and after long struggle and hard work he secured the job and if the conviction against him is not stayed, he will suffer irreparable loss. Therefore, the conviction awarded to the applicant No.1 be stayed till the disposal of the appeal.

In support of his submissions, learned counsel appearing for the applicant No.1, has placed reliance upon the following judgments passed by the Hon'ble Apex Court as well the High Courts:- **(i)** *Mohit Kumar Vs. State Rajasthan, CRLA No.1798/2022 dt.02.04.2024*, **(ii)**

Santosh Kumar Vs. State of Rajasthan, CRLA No.2291/2019 dt.30.07.2020, (iii) Ramjit Singh Vs. State of Rajasthan, CRLA No.2546/2023 dt.02.12.2024, (iv) Pritpal Kaur & Others Vs. State of Punjab, CRLMA No.16307/2015 dt. 15.02.2017, (v) Navjot Singh Sidhu Vs. State of Punjab & another, CRLA No.59/2007, dt.23.01.2007, (vi) Rahul Gandhi Vs. Purnesh Ishwarbhai Modi, Spl.Leave to appeal (CRL) No.8644/2023, dt.04.08.2023, (vii) Ravikant S. Patil Vs. Sarvabhuma S. Bagali, Appeal (Civil) No.5034/2005 dt.14.11.2006, (viii) Kavita Chandrakant Lakhani Vs. State of Maharashtra and another, (2018) 6 SCC 664 and (ix) Nanka Vs. State of Madhya Pradesh, 1991 (0) MPLJ 345 respectively.

Learned Public Prosecutor for the State as well as learned counsel appearing for the complainant have opposed the aforesaid submissions and prayed for dismissal of the present application.

Heard. Perused the impugned judgment as well as the material made available on record.

In the present case, the applicant No.1 faced the trial for various offences and he was acquitted in all the charges, except the charges under Sections 366/511 & 120-B of I.P.C. and he has been sentenced to undergo a maximum period of three years rigorous imprisonment alongwith a fine.

Furthermore, the impugned judgment passed by the Id. trial Court has not been assailed by the State as well as the complainant by way of filing an appeal before this Court and, hence, acquittal of the applicant No.1 in respect of the above charges has attained finality. The applicant No.1 is a young boy and his entire future is at stake on account of his conviction in the present case. In case, the conviction of the applicant No.1 is allowed to operate, it would lead to irreparable loss, which cannot be compensated in terms of money or otherwise.

Taking note of the fact that the applicant No.1 is a Government servant working in the Office of District Collector, Karauli and consequences of not staying his conviction would affect his career in service, therefore, this Court deems it just & proper to stay the impugned judgment of conviction dt.16.02.2026 passed by the Id. trial Court.

Consequently, the present application for stay of conviction is **allowed**, qua the applicant No.1, namely Anoop. The impugned judgment of conviction dt.16.02.2026 passed by the Court of Id. Special Court, Protection of Children From Sexual Offences Act, 2012 and the Commissions For Protection of Child Rights Act, 2005, Dausa, in Sessions Case No.37/2023, shall remain stayed, qua the applicant No.1, namely Anoop, till the disposal of the present appeal.

(VINOD KUMAR BHARWANI),J

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