

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc 4th Suspension Of Sentence Application No.
1086/2025

in

S.B. Criminal Appeal No. 1497/2022

Muniraj @ Dhaiya Son Of Dhanphool, Resident Of Talawaka,
Police Station, Sapotra, District Karauli (Rajasthan) (Presently
Confined In Central Jail, Sevar, District Bharatpur)

----appellant

Versus

State Of Rajasthan, Through Pp

----Respondent

For appellant(s)	:	Mr. Rajneesh Gupta with Ms. Chanchal
For Respondent(s)	:	Mr. Rajendra Singh Shekhawat, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

18/02/2026

1. The fourth application for suspension of sentence is preferred in pending appeal aggrieved from order of conviction and sentence dated 11.07.2022 in Sessions Case No.16/2021 passed by learned Special Judge (POCSO Act Cases), Karauli whereby appellant was convicted for offence under Sections 363, 366 IPC and 5(I)/6 of POCSO Act and sentenced accordingly.

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 submitted that on 04-07-2024, the SOS application was dismissed on merits. Thereafter, the second SOS application for interim bail was allowed by a co-ordinate Bench. He also submitted that the third SOS application was dismissed as withdrawn on 21-04-2025. Learned counsel for the appellant has further submitted that the appellant has undergone 5 years, 6 months and 12 days out of the total sentence of 20 years and the same is sufficient, as the appeal would not come up for hearing in the near future. He also submitted that the appellant and the victim both were of similar age and the conduct of the victim clearly indicated that she was a consenting party and she has incited the present appellant for physical involvement.

4. Aforesaid contentions were opposed by learned Public Prosecutor and he submitted that the complainant victim has already been informed.

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

6. While considering the first SOS application on 04-07-2024, we have considered the merits of the case and our observations are as under:

"The material on record indicates that the mother of the victim has registered FIR No. 35 of 2021 at PS Saputra, District Karoli, and after investigation, the police has filed a charge sheet against the appellant. The trial court, after considering the evidence of PW-1, Dr. Dharambhai, drew a conclusion that there were no visible injuries on the body or genital of the victim, but PW-12, Dr. Jitendra Garg, who conducted the sonography, in

his report (Exhibit P-24) has opined that the victim was having a pregnancy of 4 weeks. The trial court has determined the age of the victim on the basis of material submitted by the prosecution and, as per the trial court, the date of birth of the victim is 11-10-2004 and, on the date of incident, 29-12-2021, she was between 16 to 17 years. The statement of the victim was recorded as PW-5 and we have considered her allegations as levelled against the appellant. We have also considered certain portions of cross-examination as referred during the course of argument."

7. The material on record indicates that the mother of the victim has registered FIR No. 35/2021 at PS Sapotra, District Karauli, and after investigation, the police has filed a charge sheet against the appellant. The trial court, after considering the evidence of PW-1, Dr. Dharambhai, drew a conclusion that there were no visible injuries on the body or genital of the victim, but PW-12, Dr. Jitendra Garg, who conducted the sonography, in his report (Exhibit P-24) has opined that the victim was having a pregnancy of 4 weeks. The trial court has determined the age of the victim on the basis of material submitted by the prosecution and, as per the trial court, the date of birth of the victim is 11-10-2004 and, on the date of incident, 29-12-2021, she was between 16 to 17 years. The statement of the victim was recorded as PW-5 and we have considered her allegations as levelled against the appellant. We have also considered certain portions of cross-examination as referred during the course of argument.

8. Having taken note of the fact that the merits of the case have already been considered by this Court while dismissing the SOS application on 04-07-2024 and there is no ground to revisit the same again. The period of custody is also a little more than 25% of the total period. The appeal has not been considered so

far, but considering that the number of working days as increased from time to time, I am of the considered view that this is not a fit case to enlarge the appellant on bail.

9. Hence, the fourth application for suspension of sentence is hereby dismissed.

10. List appeal for hearing in the month of April, 2026.

(ASHOK KUMAR JAIN),J