

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. 2nd Suspension Of Sentence Application
(Appeal) No. 1155/2026

in

S.B. Criminal Appeal No. 365/2023
CNR: RJHC020502362026 | URN: SOSA / 2124U / 2026

Hanuman Meghvanshi Son Of Shri Ganpatji Meghvanshi, Aged About 25 Years, Resident Of Village Boobaniya, Police Station Nasirabaad Sadar, At Present Vaishali Nagar Chatri Yojana, Near Shamshan Ghat Anter, Ajmer, Police Station Christian Ganj, Ajmer. (At Present Central Jail Ajmer)

----Petitioner

Versus

State Of Rajasthan, Through P.p.

----Respondent

For Petitioner(s)	:	Mr. Devashish Pancholi Mr. Lokesh Tiwari for Mr. Rajat Ranjan
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP Mr. Onkar Singh Rajpurohit, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

06/08/2026

1. This second application for suspension of sentence is preferred by appellant - **Hanuman Meghvanshi Son Of Shri Ganpatji Meghvanshi** in pending appeal filed from order of conviction and sentence dated 09.06.2022 in sessions case no. 183/2020 (arising out of FIR no. 74/2020, P.S. Sarana, District Ajmer) passed by learned Special Judge, POCSO Act cases no.2, Ajmer whereby appellant was convicted for offence under Sections IPC and 363, 342 of IPC and Section 3/4 and 5(L)/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 petitioner submits that first SOS of present petitioner was dismissed by this Hon'ble Court on 21.8.2024 and present petitioner is in custody for last several years. He also submitted that the period of custody of the petitioner is six years and six months, which is sufficient to grant SOS to present appellant, as the criminal appeal of present appellant is not likely to be heard in near future.

4. Learned counsel has further referred material on record and submitted that the age of victim is claimed on the basis of date of birth 15.7.2007 but the evidence of PW-8, father of victim, clearly suggests that he is not aware about date of birth of his daughter. He also submitted that the material clearly indicates that the date of birth of victim is not credibly placed before the Trial Court, and trial Court has ignored the principle for determination of age of victim. He also submitted that the duty is casted upon the prosecution to establish the age of victim, but the evidence clearly indicates that the age of victim is not proved, hence she cannot be treated as a girl lesser than 16 years.

5. Learned counsel has further referred cross-examination of PW-1, victim and further the statement of PW-10 brother of victim

and submitted that there is a discrepancy in both the statements. He also referred statement of PW-7 about the arrest of present appellant and submitted that there is a discrepancy between PW-7 and PW-10. He also referred the material and submitted that the trial Court has ignored the material contradictions in the statement of victim and other witnesses, which clearly reflect that the present appellant is not involved in the incident and same is sufficient to draw a conclusion that appellant has a strong case to succeed. At last, he submitted that the present appellant has been granted interim bail on two occasions and present petitioner has surrendered in the jail on the time fixed by the Hon'ble Court.

6. Aforesaid contentions were opposed by learned Public Prosecutor. Learned Public Prosecutor has submitted report received from PS Sarana, District Ajmer, along with intimation to complainant and same are taken on record.

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

8. This Court has considered SOS application of present petitioner on 21.8.2024, and while dismissing the same, we have observed as under:

5. A perusal of record indicated that a written report Ex.P-10 was registered by uncle of victim on 21.08.2020 for alleged kidnapping of his niece by Hanuman, Meghvanshi, Vinod and Mahesh. On the basis of this report, FIR No. 74/2020 under Sections 363 and 366A IPC was registered at P.S. Sarana, Ajmer. During investigation, victim was recovered on 21.08.2020 and she was medically examined on same day and report Ex.P-12 was prepared. The statement of victim was recorded under Sections 161 and 164 Cr.P.C. After investigation, police has filed charge-sheet against the appellant.

6. Victim was examined as PW-1 before learned trial court whereas complainant was

examined as PW-03, father of victim as PW-8 and brother of victim as PW-10, the mother of victim as PW-11. The age of victim was proved by PW-2 who exhibited SR register Ex.P-9. She also brought original admission form along with record. There is no other material on record to disbelieve the statement of PW-2. We have considered the statement of victim and family members about the age. The trial court has relied upon PW-2 and after considering provision of law has concluded that the age of victim is 14-16 years. As regard to improvement or consent is concerned, the victim is minor and consent cannot be considered at this stage. The petitioner is in custody since 22.08.2020. He was released on interim bail due to marriage of sister.

7. At this stage, it is not possible to express any opinion but looking to facts and circumstances of the case, wherein the age of victim is less than 16 years, I am of considered view that this is not a fit case wherein indulgence of bail can be granted to appellant.

9. Learned counsel for petitioner has referred order dated 25.03.2026 in SOS Application No. 275/2025 in Criminal Appeal No. 337/2025, passed by a coordinate Bench and we have considered the order. We have considered statement of PW-8, father of victim, about the age of victim. The Trial Court has examined PW-2 Kanta Shankla, who exhibited Exhibit P-9 SR Register to prove date of birth of victim. PW-2 has also deposed that she has brought original application form of victim filled at the time of admission. The victim has claimed her date of birth as 15.7.2007. The Trial Court is duty bound to determine the date of birth on the basis of provision under Section 94 of Juvenile Justice (Care and Protection of Children) Act, 2015. The material on record indicate that only date of birth record produced by prosecution is available and on the basis of the record, the age was determined by the Trial Court. The Trial Court has determined the age which indicates that victim was less than 16 years and we

have considered this in previous order. The counsel for the petitioner has referred discrepancy in the statement of PW-1 victim, and PW-10 brother of victim and also between PW-10 and PW-7. We have considered the entire statement as examined before the Trial Court. The entire material clearly indicates that the age of victim is less than 16 years. Therefore, this is not a fit case to consider grant of bail to the petitioner. The maximum sentence awarded to present petitioner is 20 years and he has undergone more than six years and six months, but considering the age of victim the period of sentence is not sufficient to release present appellant on bail.

10. Hence, the second application for suspension of sentence is hereby dismissed.

(ASHOK KUMAR JAIN),J