

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

D.B. Criminal Misc. Suspension Of Sentence Application No.  
1564/2025

In

D.B. Criminal Appeal No.287/2025

Wasim Khan S/o Gafoor Khan, Aged About 25 Years, R/o  
Topchiwada, Tan Manoharpur, District Jaipur (At Present In  
Central Jail Jaipur, Rajasthan)

----Petitioner

Versus

1. The State Of Rajasthan, Through Public Prosecutor.
2. Kanharam Aswal S/o Bholuram Aswal, R/o Shiv Colony,  
Manoharpur, Jaipur Rural, Rajasthan

----Respondents

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|                   |   |                                                                                  |
|-------------------|---|----------------------------------------------------------------------------------|
| For Petitioner(s) | : | Mr. Harendra Singh                                                               |
| For Respondent(s) | : | Mr. Naresh Kumar Gupta, Dy.G.A.<br>None present on behalf of the<br>complainant. |

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**HON'BLE MR. JUSTICE INDERJEET SINGH**  
**HON'BLE MR. JUSTICE BHUWAN GOYAL**  
**Order**

**06/05/2026**

1. This suspension of sentence application has been filed by the accused-applicant along with the appeal.
2. Learned counsel for the accused-applicant submits that the accused-applicant has been convicted for the offences under Sections 363, 366 of IPC, 1860 and Section 3/4 Protection of Children from Sexual Offences Act, 2012 in alternate to 376 IPC and Section 3-1(W), 3-2(V) of SC/ST (POA) Act, 1989.
3. Learned counsel for the accused-applicant submits that the accused-applicant has been falsely implicated in this matter and

he was on bail during trial. He further submits that the victim PW-1, in her cross-examination recorded during trial has specifically stated that the applicant has not committed rape with her and father of the victim PW-13 has been declared hostile, during trial. He further submits that the age of the victim is doubtful and the sentence of life imprisonment has been awarded to the accused-applicant for the offence under Sections 3(2)(V) of SC/ST (POA) Act, 1989. He further submits that the hearing of appeal may take long time and prayed that sentence awarded to the accused-applicant may be suspended and he be released on bail during the pendency of the appeal.

4. Learned Deputy Government Advocate has opposed the application for suspension of sentence. Despite service, no one is present on behalf of the complainant/victim to oppose the suspension of sentence application.

5. We have heard counsel for the parties and perused the record.

6. Considering the facts and circumstances of the present case, and also considering the statement of victim PW-1 and the facts that the applicant was on bail during trial and hearing of appeal may take long time, we deem it just and proper to allow this criminal miscellaneous suspension of sentence application.

7. In that view of the matter, this criminal miscellaneous suspension of sentence application is allowed and it is ordered that execution of sentence awarded to the accused-applicant shall remain suspended during the pendency of the criminal appeal and the accused-applicant be admitted to bail subject to satisfaction of the trial Court with the stipulation that he shall appear before this

Court on 06.07.2026 and thereafter as and when called upon to do so.

8. Office is directed to send a copy of this order to the concerned trial Court through e-mail/fax for necessary compliance.

(BHUWAN GOYAL),J

(INDERJEET SINGH),J

Upendra Pratap Singh /12