



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

D.B. Criminal Misc IInd Suspension Of Sentence Application No.
1581/2025

In

D.B. Criminal Appeal No.296/2023

Sooraj Jatav Son Of Late Shri Suresh Jatav, Aged About 24 Years, Resident Of Near R.p. College, Gomti Chauraha, Police Station Kamalganj, District Farukhabad(U.p.) At Present House Of Amarchand Khatik, Maal Ki Dhani, Sanganer, Police Station Sanganer, Jaipur(Raj.) (At Present In Central Jail, Jaipur)

-----Petitioner

Versus

1. State Of Rajasthan, Through P.p
2. Rajesh Khati Son Of Shri Suraj, Resident Of Ganeshpura Police Station Kotwali District Chittorgarh, At Present Tenant House Of Amar Chand Khatik, Maal Ki Dhani, Sanganer, Jaipur (Raj)

-----Respondents

For Petitioner(s)	:	Mr. Nisha Shekhawat on behalf of Mr. Siya Ram Sharma
For Respondent(s)	:	Mr. Jitendra Singh Rathore, Dy.G.A. Mr. Gaurav Gupta, Assistant Government Advocate

**HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE ASHUTOSH KUMAR
Order**

09/12/2025

1. This suspension of sentence application has been filed by the accused-applicant along with the appeal.
2. Counsel appearing on behalf of the accused-applicant submits that the accused-applicant has been convicted for the offences under Sections 363, 366-A, 376 (2-i), 302 of Indian Penal Code, 1908 and Section 5/6 of Protection of Children from Sexual Offences Act, 2012.

3. Counsel for the accused-applicant has annexed the certificate under Rule 311 (3) of the Rajasthan High Court Rules to the effect that accused-applicant was confined in Jail since his initial date of arrest. He further submits that the accused-applicant has been falsely implicated in this matter and the accused-applicant has already served the sentence for a period of more than ten years. He further submits that the sentence of life imprisonment has been awarded to the accused-applicant for the offences under Sections 302 & 376(2-i) of IPC. He further submits that the appeal is not likely to be heard in near future 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. Counsel for the accused-applicant relied upon the judgment of Hon'ble Supreme Court in the matter of '**Saudan Singh versus The State of Uttar Pradesh**', (Criminal Appeal No.308/2022 (SLP (Crl.) No.4633/2021), decided on 25.02.2022, wherein it is held as under:-

"The second category of cases can be one where the person has served out more than 10 years of sentence. In these cases also at one go bail can be granted unless there are any extenuating circumstances against him."

5. Learned Deputy Government Advocate has opposed the application for suspension of sentence and submits that the complainant/victim has been intimated about filing of the criminal appeal as well as application for suspension of sentence. However, despite information no one has appeared on behalf of the victim/complainant.

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

7. Considering the submissions put-forth by the learned counsel for the parties and taking into account the facts and circumstances of the present case and also considering the facts that the accused-applicant has already served the sentence for a period of more than ten years; hearing of appeal may take long time and also in view of judgment passed by Hon'ble Supreme Court in the matter of 'Saudan Singh' (supra), we deem it just and proper to allow this criminal miscellaneous suspension of sentence application.

8. 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 09.01.2026 and thereafter as and when called upon to do so.

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

(ASHUTOSH KUMAR),J

(INDERJEET SINGH),J