

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc Suspension Of Sentence Application (Appeal)
No. 1540/2024

In

S.B. Criminal Appeal No.3546/2023

Mukesh S/o Kalyan, Resident Of Kala Kohara, Dhani Talda, Police
Station Khandar District Sawai Madhopur (At Present Confined
In Central Jail Sevar, Bharatpur)

----Appellant

Versus

State Of Rajasthan, Through P.P.

----Respondent

For Appellant(s)	: Mr. Tarun Jain
For Respondent(s)	: Mr. Shree Ram Dhakar, PP Mr. Manvendera Singh Choudhary

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Order

17/03/2026

Instant application for suspension of sentence has been preferred on behalf of the applicant-appellant under Section 430 of B.N.S.S. alongwith the appeal, to suspend the sentence awarded by the learned Special Court, Protection of Children from Sexual Offences Act, 2012, Sawai Madhopur *vide* its judgment dated 03.11.2023 in Sessions Case No.26/2020, whereby the applicant-appellant was convicted for the alleged offence(s) & sentenced to undergo maximum period of twenty years rigorous imprisonment with fine.

Learned counsel appearing for the applicant-appellant submits that the applicant was not on bail during trial and he is behind the bars since 13.06.2020. Counsel further submits that the learned Trial Court has not appreciated the facts and

circumstances of the case holistically and the hearing of the appeal will take its own time, hence, the sentence awarded to the applicant-appellant may be suspended during the pendency of the appeal.

Learned Public Prosecutor and learned counsel for the complainant-respondent have vehemently opposed the submissions made herein-above.

Heard learned counsel for the parties and perused the material made available on record.

Taking into consideration the conviction, term of sentence & the submissions made at bar and without commenting upon the merits of the case, this Court deems it just and proper to suspend the sentence awarded to the applicant-appellant during the pendency of the appeal.

Accordingly, the application for suspension of sentence is **allowed** and it is, hereby, ordered that the execution of sentence awarded to accused-applicant, namely **Mukesh S/o Kalyan**, by the learned Trial Court shall remain suspended during pendency of the appeal, provided he furnishes a personal bond in the sum of Rs.50,000/- together with two sureties of Rs.25,000/- each, to the satisfaction of the learned Trial Court with the stipulation that he shall appear before this Court on 17.04.2026 and thereafter, as and when he is called upon to do so.

(VINOD KUMAR BHARWANI),J