

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. IInd Suspension of Sentence Application
(Appeal) No.2026/2025

In

S.B. Criminal Appeal No.344/2024

Mukim Son Of Hammad, R/o Pathrali, Police Station Gopalgarh,
District Bharatpur (Raj.).

(At Present Confined In Central Jail Alwar)

----Applicant-appellant

Versus

State Of Rajasthan, Through P.P.

----Respondent

For Petitioner(s)	:	Mr. Sanjay Khan
For Respondent(s)	:	Mr. Narendra Singh Dhakar, PP with Mr. Shubham Sain Mr. Aslam S. Khan

JUSTICE ANOOP KUMAR DHAND

Order

15/04/2026

1. Counsel for the applicant-appellant submits that the prosecutrix is a major lady aged about 35 years and as per her statements rape was committed by the applicant-appellant with her. Counsel further submits that as per the case of the prosecutrix, the appellant was caught on the spot by the family members and thereafter, the prosecutrix was medically examined on the same day, however, neither any injury nor semen was found on her private parts or any part of her body. He further submits that in-fact the applicant-appellant was not caught on the spot, rather he was abducted from some other place to falsely implicate him in the instant case. He further submits that the

appellant is in custody since 23.01.2024 and he was on bail during course of the trial. Counsel submits that the disposal of the instant appeal is bound to take its time, so the sentence of the appellant be suspended till disposal of the instant appeal.

2. Per contra, learned Public Prosecutor as well as counsel appearing on behalf of the complainant opposed the suspension of sentence application.

3. Heard and perused the material available on record.

4. Considering the arguments put forward by learned counsel for the applicant-appellant and looking to the fact that the applicant-appellant is in custody since 23.01.2024 and he was on bail during the course of the trial and also looking to the fact that disposal of the appeal is likely to take its time, therefore without making any comments on the merits and demerits of the case, this Court deems it just and proper to suspend the sentence awarded to the applicant-appellant by the Trial Court.

5. Accordingly, the second application for suspension of sentence filed by the applicant-appellant under Section 430 BNSS is allowed and the sentence awarded by the Court of Special Judge, Protection of Children From Sexual Offences Act, 2012 and Protection of Child Right Commission Act 2005, No.4, Alwar vide judgment dated 23.01.2024 in Sessions Case No.78/2023 against the appellant-**Mukim s/o Hammad** shall remain suspended till final disposal of the aforesaid appeal, subject to the condition that the appellant shall deposit the fine amount, as imposed by the Trial Court and he shall be released on bail provided he executes a personal bond in the sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the learned trial Court for

appearance before this Court on 15.05.2026 and whenever ordered to do so, till the disposal of the appeal on the conditions indicated below:-

1. That he shall appear before the trial Court in the month of January of every year till the appeal is decided.
2. That if the appellant changes the place of residence and mobile number, he will give in writing his changed address and mobile number to the trial Court as well as to the counsel in the High Court.
3. Similarly, if the sureties change their address(s), they will give in writing their changed address to the trial Court.
4. Appellant shall deposit a fine amount as imposed by the learned trial Court.
5. In case the applicant-appellant is found involved in committing and repeating the same offence again, the State/complainant would be at liberty to move application for cancellation of bail.
6. The learned trial Court shall maintain the record of attendance of the accused-appellant in a separate file. Such file be registered as Criminal Misc. Case relating to the original case in which the accused-appellant was tried and convicted. A copy of this order shall also be placed in that file for ready reference. Such Criminal Misc. file shall not be taken into account for statistical purpose relating to pendency and disposal of cases in the trial court.
7. In case the said accused-appellant does not appear before the trial court and commits any default, the learned trial Judge shall report the matter to the High Court for cancellation of bail.

(ANOOP KUMAR DHAND),J