



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



S.B. Criminal Misc. Suspension of Sentence Application (Appeal)
No. 2049/2025

In

S.B. Criminal Appeal No.465/2025

URN: SOSA / 3928U / 2025

Akash Meena Son of Shri Mohanlal Meena, Resident of Sirwas,
District Alwar, at present resident of Basai, Police Station
Mohada, District Jhunjhunu (Raj.) (At present accused petitioner
confined in District Jail Jhunjhunu)

-----Petitioner

Versus

State of Rajasthan- through Public Prosecutor

-----Respondent

For Petitioner(s)	:	Mr. Anil Kumar Poonia
For Respondent(s)	:	Mr. Amit Punia, PP

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

29/06/2026

1. Heard learned counsel for the appellant-applicant as well as learned State counsel and perused the material available on record and the impugned judgment of conviction passed by the trial court.

2. The appellant-applicant herein has been convicted for offences punishable under Sections 363 & 366A or in the alternative Section 366 of IPC and Section 5(i)/6 of Protection of Children from Sexual Offences Act, 2012 vide judgment dated 15.01.2025 passed by the learned Special Judge, Protection of Children from Sexual Offences Act, 2012 and Commission for



Protection of Child Right Act, 2005, Jhunjhunu in Sessions Case No. 21/2023 (CIS No.21/2023) and has been sentenced to maximum punishment of twenty years.

3. Learned counsel appearing on behalf of the appellant-applicant submits that appellant-applicant has wrongly been convicted by the learned trial Court. Counsel submits that learned trial Court has failed to appreciate the evidence available on record in correct perspective as well as failed to consider the statement of the victim recorded under Section 164 Cr.PC during the course of investigation, which was exhibited as Ex-P/3 during the course of trial. Counsel submits that in the said statement, victim has clearly stated that she was in relationship with the appellant-applicant for last three years and wanted to perform marriage with him however, during the course of trial, she has denied all these facts and stated that she did not give such statement before the learned Magistrate. However, victim has admitted the fact that she voluntarily went with the appellant-applicant on motorcycle and travelled more than 100 kms. It has also been admitted by the victim that she travelled on the motorcycle with the appellant-applicant for about twelve hours without any break. Counsel submits that admittedly at the time of alleged incident, victim was aged about sixteen years old and had attained sufficient maturity and discretion to understand the nature and consequences of her actions. Counsel submits that age of the victim in the school record is not conclusive as same was entered on the basis of speculation/estimation and no document with regard to her age was provided at the time of admission.



Counsel submits that during the course of trial, appellant-applicant was on bail and there is no allegation against him of misusing the liberty of bail. Counsel submits that appellant-applicant has suffered incarceration of about twenty nine months and looking to the large pendency of criminal appeals before this Court, there is no immediate prospect of the appeal being heard and disposed of in near future. In these circumstances, this application for suspension of execution of sentence may be considered sympathetically.

4. Learned State counsel opposes the submissions advanced on behalf of the appellant-applicant. It is submitted that consent of the victim if any, is immaterial as at the time of alleged incident, victim was below eighteen years of age. He further submits that victim/complainant has duly been informed about hearing of this application for suspension of execution of sentence.

5. Despite information, no one has put in appearance on behalf of the victim/complainant.

6. Upon a consideration of the arguments advanced on behalf of the appellant-applicant as well as learned State Counsel and having regard to the facts and circumstances as available on the record including judgment passed by learned trial Court, especially the fact that appellant-applicant has already suffered incarceration of about twenty nine months, as also looking to the large pendency of criminal appeals before this Court and there is no immediate prospect of this appeal being heard and disposed of in near future, this Court is of the opinion that the appellant has available to him strong grounds to assail the impugned judgment



of conviction and sentence. Thus, it is a fit case for suspending the sentences awarded to the appellant-applicant during pendency of the appeal.

7. Accordingly, this application for suspension of sentence filed under Section 430 BNSS is allowed and it is ordered that the sentences passed by the learned Special Judge, Protection of Children from Sexual Offences Act, 2012 and Commission for Protection of Child Right Act, 2005, Jhunjhunu (Raj.) vide judgment dated 15.01.2025 in Sessions Case No. 21/2023 (CIS No.21/2023) against the appellant-applicant **Akash Meena Son of Shri Mohanlal Meena** shall remain suspended till final disposal of the aforesaid appeal 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 Judge for his appearance in the Court on 29.07.2026 and whenever ordered to do so till the disposal of the appeal on the conditions indicated below:-

1. That he will appear before the trial Court in the month of January of every year till the appeal is decided.
2. That if the applicant changes the place of residence, he will give in writing his changed address 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.

8. The learned trial Court shall keep the record of attendance of the accused-applicant in a separate file. Such file be registered as



Criminal Misc. Case related to original case in which the accused-applicant was tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file shall not be taken into account for statistical purpose relating to pendency and disposal of cases in the trial Court. In case the said accused-applicant does not appear before the trial Court, the learned trial Judge shall report the matter to the High Court for cancellation of bail.

(ANIL KUMAR UPMAN),J