

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc. Suspension Of Sentence Application No.
2047/2024

In

D.B. Criminal Appeal No.125/2024

Vishnu @ Vikram Son Of Govind Sahay, Aged About 24 Years,
Resident Of Dhanya Ka Bandh Bhandarej Police Station Sadar
Dausa District Dausa Raj (At Present Confined In District Jail
Dausa)

-----Accused-Appellant

Versus

1.

State Of Rajasthan, Through P.P.

Respondent
2.

Murari Lal Son Of Fappalaram Bairwa, Aged About 48
Years, Resident Of Surya Mandir Ke Piche, Ram Nagar
Colony Dausa (Raj)

-----Complainant

For Petitioner(s)	:	Ms. Shalini Joshi
For Respondent(s)	:	Mr. Rajesh Choudhary, GA cum AAG with Mr. Aman Agarwal Ms. Neha Goyal Mr. Vinod Sharma

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
HON'BLE MR. JUSTICE SAMEER JAIN

Judgment / Order

13/02/2026

This suspension of sentence application under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the accused-applicant (for brevity, "the applicant") alongwith the appeal. The applicant has been convicted and sentenced by the learned Special Court, Protection of Children from Sexual Offences

Act, 2012 and Commissions for Protection of Child Rights Act, 2005, Dausa vide judgment dated 20.03.2024 passed in Sessions Case No.22/2021(CNR No.RJDS 150001032021) as under:-

1. Under Sections 5(I)(m)/6 of the POCSO Act (in alternative Sections 376AB, 376(2)(n) of IPC): Life imprisonment (remainder of the natural life) and fine of ₹1,00,000/- in default thereof, six months' additional rigorous imprisonment.

Learned counsel for the applicant submits that although, learned trial Court has held the victim to be aged below eleven years but, without any evidence. She submits that the allegation of rape is not medically corroborated. She further submits that there is old enmity between the parties leading to multiple litigation and he has falsely been implicated in this case. She, therefore, prays that the suspension of sentence application be allowed.

Per contra, learned Government Advocate cum Additional Advocate General opposed the prayer and prayed for dismissal of the application.

Heard. Considered.

A perusal of the judgment impugned dated 20.03.2024 reflects that relying upon the Exhibit P-16-the birth certificate of the victim, she has been adjudged to be below eleven years of age. Her statement as PW-2 reflects that she has levelled specific allegations against the applicant of subjecting her to rape on multiple occasions. The DNA profile obtained from the semen found on the *Pajami* and leggings of the victim has matched with

that of DNA profile obtained from the blood sample of the applicant.

In view of the aforesaid evidence and looking to the nature and gravity of the accusation against the applicant, we are not inclined to extend the benefit of suspension of sentence to him.

Accordingly, the suspension of sentence application is dismissed.

(SAMEER JAIN),J

(MAHENDAR KUMAR GOYAL),J

Manish/9