

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Criminal Misc. 2nd Suspension Of Sentence Application (Ap-
peal) No. 2312/2025

In

D.B. Criminal Appeal No.80/2023
CNR: RJHC021006372025 | URN: SOSA / 4497U / 2025

Akhlaak Khan S/o Kasim Khan, R/o Chaan, Police Station
Kaamkhera, District Jhalawar (Rajasthan) (At Present Confined
In District Jail Jhalawar)

-----Petitioner

Versus

State Of Rajasthan, Through Public Prosecutor

-----Respondent

For Petitioner(s)	:	Mr. Ajay Singh Yaduvanshi
For Respondent(s)	:	Mr. Rajesh Choudhary, GA-cum-AAG with Mr. Rishiraj Singh Rathore, Dy. GA

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

24/07/2026

This second suspension of sentence application has been
filed by the appellant alongwith the appeal.

Counsel for the appellant has annexed the certificate under
Rule 311 (3) of the Rajasthan High Court Rules to the effect that
the sentence of life imprisonment has been awarded to the appel-
lant under Section 5 (L)/6 of POCSO Act, 2012 and he is in cus-
tody. Counsel further submits that the appellant has been falsely
implicated in this matter and he has served the sentence for more
than three years and the hearing of the appeal may take long

time, hence, the sentence awarded to the appellant may be suspended during the pendency of the appeal and he be released on bail.

Learned GA-cum-AAG has opposed the application for suspension of sentence and submits that while dismissing the first suspension of sentence application vide order dated 11.10.2023 this Court observed as under:-

- "1. Accused-applicant has preferred this Suspension of Sentence Application.
2. No one has put in appearance on behalf of the applicant. None appeared on 29.05.2023, 11.07.2023 and 24.08.2023.
3. We have perused the record.
4. Victim in this case is aged 15 years. Considering her age, her statement and the FSL report, we are not inclined to entertain the Suspension of Sentence Application and the same is accordingly, dismissed."

Heard counsel for the parties and perused the record.

After dismissal of the first suspension of sentence application, there is no change in the circumstances except the period of custody.

In the facts and circumstances of the present case and looking to the seriousness of the offence(s) against the appellant, We are not inclined to grant the indulgence to the appellant as prayed for.

Hence, this second application for suspension of sentence stands dismissed.

(BHUWAN GOYAL),J

(INDERJEET SINGH),J