HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. Suspension Of Sentence Application (Appeal) No. 382/2026
CNR: RJHC020185082026 | URN: SOSA / 773U / 2026
In
S.B. Criminal Appeal No. 314/2025

Dharasingh @ Darasingh S/o Shri Goverdhan, Aged About 38 Years, R/o Manpura P.s. Sarolakalan Dist. Jhalawar. At Present In District Jail, Jhalawar.

----Appellant

Versus

1. The State Of Rajasthan, Through PP
2. Victim D/o Sh. Mangilal, R/o Dev Ka Dhar, PS Ghatolihall, Dolada, Sarola District Jhalawar.

----Respondents

For Petitioner(s)	:	Dharmendra Choudhary, Adv.
For Respondent(s)	:	Sudesh Kumar Sharma, PP

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI

Order

27/07/2026

Instant application for suspension of sentence has been preferred on behalf of the applicant-appellant under Section 430 BNSS alongwith the appeal, to suspend the sentence awarded by the Court of Special Judge, Protection of Children from Sexual Offences Act & Commission for Protection of Child Rights Act No.3, Jhalawar *vide* its judgment dated 28.03.2024 in Sessions Case No. 11/2023, 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 remained in custody during the trial from 29.08.2022 to 22.08.2023. Thereafter, he was enlarged on bail and presently, he is behind the bars since the date of judgment i.e. 28.03.2024. He has already undergone more than 3 years & 5 months out of his actual sentence. Counsel further submits that there are material contradictions in the statements of the victim and in the cross examination, she has clearly stated that the applicant has not committed any wrongful act with her. Counsel further submits that the mother of the victim (P.W. 8) did not support the story of the prosecution & turned hostile. Counsel further submits that the applicant has been convicted on the basis of DNA report. Mukesh (P.W. 11) sent the sample to the FSL, and the same had been handed over to him by Laxmi Narayan. However, Laxmi Narayan has not been examined in the matter and therefore, the prosecution failed to produce evidence establishing the chain of custody of the samples from the time of their collection until they were sent to the FSL. 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 to conclude, hence, the sentence awarded to the applicant-appellant may be suspended during the pendency of the appeal.

Despite intimation about filing of this application no one has appeared on behalf of the victim/complainant.

Learned Public Prosecutor has vehemently opposed the submissions made herein-above.

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

Taking into consideration the conviction, evidence adduced during trial, 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 **Dharasingh @ Darasingh S/o Shri Goverdhan,** 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 31.08.2026 and thereafter, as and when he is called upon to do so.

(VINOD KUMAR BHARWANI),J

46/SAURABH