HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc Suspension Of Sentence Application (Appeal) No. 1882/2024

Dashrath @ Pappu Singh Son Of Dhan Singh, Resident Of Plot No. 33, B Block, Anand Vihar, Near Chandralok Hotel Ram Kishan Ke Karhaney Ke Peechhey, Police Station Kotwali, Tonk (Rajasthan)
(Presently Serving Sentence In District Jail, Tonk)

----Applicant

Versus

State Of Rajasthan, Through P.p

----Respondent

For Applicant(s)	:	Mr. Akash Yadav
For Respondent(s)	:	Mr. Shriram Dhakad, Dy.GA

HON'BLE MR. JUSTICE FARJAND ALI
(THROUGH VIDEO CONFERENCING)

Order

20/12/2024

1. In pursuance of the order dated 14.11.2024, the application (IA No.1/2024) has been preferred on behalf of the applicant-appellant for converting the instant suspension of sentence application into temporary suspension of sentence application.

2. For the reasons stated in the application (IA No.1/2024), the same is allowed. The instant ‘suspension of sentence application’ is treated as ‘temporary suspension of sentence application’.

3. The instant application for suspension of sentence temporarily has been moved on behalf of the applicant-appellant

in the matter of judgment dated 30.03.2022 passed by the learned Special Judge, POCSO Act, Tonk (hereinafter to be referred as 'the trial court') in Sessions Case No.61/2020 (CIS No.61/2020), whereby he was convicted and sentenced to suffer maximum simple imprisonment of 20 years under Sections 376-B, 376(2)(f)(n) of IPC and Section 5(m)(n)(l)/6 of POCSO Act.

4. Learned counsel for the applicant-appellant submits that the parents of the applicant-appellant is suffering from old age infirmities. The applicant-appellant being the son of the patient is need to take care of them but he can not perform his duties because of his incarceration in the instant case. Therefore, it is prayed that his sentence may kindly be suspended temporarily.

5. It is contended on behalf of the applicant-appellant that the learned trial Judge has not appreciated the correct, legal and factual aspects of the matter and thus, reached at an erroneous conclusion of guilt, therefore, the same is required to be appreciated again by this court being the first appellate Court. The hearing of the appeal is likely to take long time, therefore, the application for temporary suspension of sentence may be granted.

6. *Per contra*, learned Dy.G.A. has vehemently opposed the prayer made on behalf of the accused applicant-appellant for suspending his sentence temporarily.

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

8. Having considered the totality of the facts and circumstances of the case and looking to the fact that the applicant-appellant is in custody from last so many years and the

hearing of appeal is likely to take further more time, therefore, taking a humanitarian view of the matter, I consider it just and proper to temporarily suspend the substantive sentence awarded to the accused applicant-appellant for a period of 30 days from the date of his actual release.

9. In this view of the matter, the instant application for suspension of sentence temporarily is allowed. It is ordered that the substantive sentence awarded by the learned trial court vide judgment dated 30.03.2022 passed in Sessions Case No.61/2020 (CIS No.61/2020) against applicant-appellant - **Dashrath @ Pappu Singh S/o Dhan Singh** shall remain temporarily suspended for the period of 30 days, provided he executes a personal bond in the sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the learned trial Judge with the incorporation that he would surrender before the concerned jail authority after completion of 30 days from his actual release.

10. It is made clear that in any case the applicant-appellant shall surrender himself before the concerned jail authority after completion of 30 days from the date of his actual release, failing which, the learned trial court shall report the matter to this Court.

(FARJAND ALI),J

Abhishek Kumar
S.No.32