HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Misc. 2nd Suspension Of Sentence Application (Appeal) No. 997/2026
CNR: RJHC020454532026 | URN: SOSA / 1875U / 2026

In

S.B. Criminal Appeal No.1266/2023

Ramdas Son Of Shri Ramji Lal, Resident Of Purapatiram At Present Resident Of Maraina, Police Station Diholi, District Dholpur (Raj)
(At Present In District Jail Dholpur)

----Petitioner

Versus

State Of Rajasthan, Through P.p.

----Respondent

For Petitioner(s)	:	Mr. Tapendra Kumar Yadav, Adv.
For Respondent(s)	:	Mr. Manvendra Singh, PP

HON'BLE MR. JUSTICE PRAVEER BHATNAGAR

Order

16/11/2026

1. The applicant herein, *inter alia*, seeks second suspension of sentence during the pendency of the appeal arising out of the judgment of conviction and order of sentence dated 14.02.2023, passed by the learned Special Judge, Protection of Children from Sexual Offences Act, 2012 and Commission for Protection of Child Rights Act, Dholpur (Rajasthan), in Sessions Case No. 59/2021, whereby the appellant has been convicted for the offences punishable under Sections 342 and 377 of IPC and Sections 5(M)/ 6 and 11/12 of the POCSO Act, 2012, and sentenced to undergo 20 years' rigorous imprisonment along with fine of Rs.50,000/- for

the offence under Section 5(M)/6 of the POCSO Act and one year's rigorous imprisonment along with fine of Rs.10,000/- for the offence under Section 342 IPC. All the sentences have been ordered to run concurrently.

2. Learned counsel for the applicant contends that the first suspension of sentence application was dismissed in default. The applicant has undergone almost six years of incarceration and there are no chances of the regular appeal being listed for hearing in the near future, therefore, considering the long period of custody already undergone by the applicant, the sentence awarded to the applicant may be suspended during the pendency of the appeal.

3. Learned Public Prosecutor has vehemently opposed the suspension of sentence application.

4. Heard and perused the material available on record.

5. The allegation against the applicant is that he committed rape upon the victim, who was aged about 8 years at the relevant time. During the course of trial, PW-1, in her statement, corroborated the prosecution story. Further, PW-3 Dr. Rajkumar, upon examination, found injuries in the anal region of the victim. The undergarments of the victim as well as the samples of the applicant were collected and sent to the Forensic Science Laboratory for scientific examination and as per the DNA report, human semen was detected on the victim's undergarments (Exhibit P-7) and the DNA profile matched with that of the applicant.

6. In view of the aforesaid material available on record, this Court is not inclined to suspend the sentence of the applicant solely on the ground of long incarceration.

7. Accordingly, the second suspension of sentence application is hereby dismissed.

(PRAVEER BHATNAGAR),J

Crt_14/D-A/54/Ashwani Kr Srivastava