



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2116 OF 2026

(@ SPECIAL LEAVE PETITION (CRIMINAL) NO.
1028 OF 2026)

SONU @ SMART @ WASIM KHAN ... APPELLANT (S)

VERSUS

THE STATE OF RAJASTHAN ... RESPONDENT (S)

O R D E R

1. Leave granted.
2. The present appeal has been filed seeking suspension of sentence during pendency of the criminal appeal before the Rajasthan High Court. The appellant has been convicted under Section 376(2)(n) of the Indian Penal Code and Sections 5(1) and 6 of the Protection of Children from Sexual Offences Act, 2012. The appellant has served period of custody which is above four and half years out of the total sentence of twenty

years.

3. Having considered the submissions, we are impressed upon of the argument that after the order passed by the Juvenile Justice Board, adjudicating the matter to the Children's Court, it is incumbent upon the Children's Court or the Court to which the matter is relegated to exercise the power under Section 19 (1) and (2) of the Juvenile Justice (Care and Protection of Children) Act, 2015.

4. No such material has been brought before us to indicate that the said compliances have been made. At present, it is not sufficient in our view, that the word "may" has been used in Section 19(2), which has been interpreted in the case of *Ajit Gujjar Vs. the State of Madhya Pradesh* (2023) 15 SCC 678, to indicate that word "may" cannot be treated to be directory; rather it is mandatory compliance.

5. However, considering the same, its

consequences may be looked into by the High Court at the time of final hearing of the appeal. At present, in view of the material before us, we are inclined to suspend the sentence of the appellant. Accordingly, the sentence is suspended during the period of pendency of the appeal which would be subject to outcome of the same.

6. Consequently, this appeal stands allowed.

7. Pending application(s), if any, shall stand disposed of.

.....J.
[J.K. MAHESHWARI]

.....J.
(ATUL. S. CHANDURKAR)

NEW DELHI
APRIL 24, 2026.

ITEM NO.4

COURT NO.3

SECTION II-D

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.)
No(s). 1028/2026

[Arising out of impugned final judgment and order dated 01-05-2025 in SBCRMSOSA No. 1456/2024 passed by the High Court of Judicature for Rajasthan at Jaipur]

SONU @ SMART @ WASIM KHAN

Appellant(s)

VERSUS

THE STATE OF RAJASTHAN

Respondent(s)

Date : 24-04-2026 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Appellant(s) : Mr. Anurag Soan, AOR
Mr. Anurag Saxena, Adv.
Mr. Nishank, Adv.
Mr. Ritu Raj, Adv.
Ms. Kanika, Adv.

For Respondent(s) : Mr. Kartikeya Asthana, Adv.
Mr. Urvashi Raj, Adv.
Ms. Nidhi Jaswal, AOR
Mr. Saurabh Rajpal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

2. Appeal stands allowed in terms of the signed order placed on the file.

3. Pending application(s), if any, shall stand disposed of.

(SACHIN KUMAR SRIVASTAVA)
COURT MASTER (SH)

(NAND KISHOR)
ASSISTANT REGISTRAR