



ITEM NO.6

COURT NO.6

SECTION II-D

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No.12819/2026

[Arising out of impugned final judgment and order dated 04-05-2026 in SBCRMBA No. 2222/2025 passed by the High Court of Judicature for Rajasthan at Jaipur]

ASHISH KUMAR @ MONU & ANR.

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN

Respondent(s)

Date : 03-08-2026 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) : Mr. Anurag Soan, AOR
Mr. Akshay Saxena, Adv.
Ms. Ananya Bhat, Adv.
Mr. Nishank Vashishtha, Adv.
Mr. Ritu Raj, Adv.
Ms. Kanika, Adv.

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

SLP(Crl.) No.12819/2026

UPON hearing the counsel the Court made the following

O R D E R

1. This petition seeks Special Leave to Appeal against the impugned judgment and order dated 04.05.2026 passed by the Single Bench of the High Court of Judicature for Rajasthan at Jaipur in S.B. Criminal Misc. Suspension of Sentence Application No. 2222/2025 in Criminal Appeal No. 2916/2025, whereby the High Court rejected the petitioners' application for suspension of sentence during the pendency of their appeal.
2. By judgment dated 17.09.2025 passed by the learned Special Judge, POCSO Act Cases, Jhunjhunu, Petitioner No. 1 (Ashish Kumar) was convicted under Sections 363, 366A, and 376 of the Indian Penal Code (IPC), Sections 3 & 4 of the Protection of Children from Sexual Offences (POCSO) Act, and Sections 3(2)(v) & 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Petitioner No. 2 (Naveen Kumar) was convicted under Sections 363, 366A, and 376 IPC, as well as Sections 3 & 4 of the POCSO Act. Both petitioners were sentenced to undergo rigorous imprisonment for twenty (20) years along with fine.
3. Learned Counsel for the petitioners submits that The petitioners have served about 1½ years of incarceration and had no prior antecedents. Additionally, the High Court previously granted bail on 11.12.2024 considering

age inconsistencies and consensual association, and medical records having shown no signs of forceful intercourse.

4. Learned Counsel appearing for the State strongly opposed the grant of suspension of sentence, highlighting the matching FSL/DNA profile and the gravity of offences involving a minor under the POCSO Act.
5. Having heard learned counsel for both parties and having perused the material on record, without expressing any final opinion on the merits of the appeal, we are of the considered view that a prima facie case for suspension of sentence is made out, given the custody period undergone, absence of prior antecedents, and the arguable legal issues raised regarding the age determination of the victim.
6. Accordingly, the execution of the substantive sentence of imprisonment awarded to the petitioners (Ashish Kumar @ Monu and Naveen Kumar @ Lala) in FIR No. 45/2024, P.S. Bissau, District Jhunjhunu, shall remain suspended during the pendency of the appeal before the High Court.
7. The Trial Court shall release the petitioners on bail on such conditions as deemed fit and appropriate, on the basis of the suspension of sentence granted by us pending appeal. In the event of breach of any conditions specified above, it shall be open to the State to move an

application before the High Court for cancellation of bail.

8. The Special Leave Petition is disposed of in the above terms.

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

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)