

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. OF 2025
(Arising out of SLP(Crl.) No. 14790 of 2024)

VICTIM FATHER

Appellant(s)

VERSUS

STATE OF RAJASTHAN & ANR.

Respondent(s)

O R D E R

1. Leave granted.

2. The present appeal challenges the judgment and order dated 10.07.2024 passed by the learned Division Bench of the High Court of Judicature for Rajasthan at Jaipur, whereby granting stay to the conviction as recorded in the order dated 23.02.2023 passed by the learned Special Courts, Protection of Children from Sexual Offences (POCSO) Act, 2012, Jaipur, Rajasthan.

3. Respondent No.2 has been convicted for the offence punishable under Sections 305 & 376 of the Indian Penal Code, 1860 and Sections 3/4 of the POCSO Act, 2012 and Section 3(1)(w) and 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act,

1989.

4. A perusal of the impugned judgment and order reveals that the High Court has granted a stay of conviction solely on the ground that the application for suspension of sentence has already been allowed by the said Court vide order dated 19.04.2023.

5. It is more than a settled law that the parameter for consideration while suspending the sentence and the parameter for staying the conviction are totally different.

6. Unless an exceptional case is made out, the courts are not supposed to grant a stay of conviction.

7. In the present case, the only reason assigned is that since the High Court had already allowed the application for suspension of sentence, the application for stay of conviction also deserves to be allowed.

8. We find that the High Court has failed to apply its mind to the facts of the present case.

9. No reasons have been recorded as to how the case of respondent No.2 is exceptional or amounts

to the “rarest of the rare”, warranting a stay of conviction.

10. On this short ground, the matter is remitted back to the High Court for consideration afresh in accordance with the observations above.

11. The appeal is, accordingly, disposed of.

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

.....CJI
(B.R. GAVAI)

.....J
(K. VINOD CHANDRAN)

New Delhi
November 20, 2025

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). 14790/2024

[Arising out of impugned final judgment and order dated 10-07-2024 in DBCRMA No. 2505/2024 passed by the High Court of Judicature for Rajasthan at Jaipur]

VICTIM FATHER

Petitioner(s)

VERSUS

STATE OF RAJASTHAN & ANR.

Respondent(s)

(IA No. 232934/2024 - EXEMPTION FROM FILING O.T.)

Date : 20-11-2025 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PRASANNA B. VARALE
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Mr. Jayprakash Bansilal Somani, Adv.
Mr. Manoj Kumar Chaudhary, Adv.
Mr. Rajnish Kumar, Adv.
Mr. Jeevan Patil, Adv.
Ms. Pooja Agarwal, Adv.
Ms. Shruti Kriti, Adv.
Ms. Shisba Chawla, AOR

For Respondent(s) :

Mr. Shiv Mangal Sharma, A.A.G.
Ms. Saubhagya Sundriyal, Adv.
Ms. Nidhi Jaswal, AOR

Mr. Puneet Parihar, Adv.
Mr. Sarvjit Pratap Singh, Adv.
Mr. Sanjeev Kumar, Adv.
M/s Unuc Legal LLP, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is disposed of in terms of the signed order.

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

(DEEPAK SINGH)

ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)

ASSISTANT REGISTRAR

[Signed order is placed on the file]