

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

Main Case No. Crl. Appeal No.242 of 2023

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
5.	27.04.2023	<u>BSB, J</u> <u>I.A.No.1 of 2023</u> This application has been filed by the petitioner to suspend the sentence imposed against him, <i>vide</i> judgment, dated 27.02.2023, passed in S.C.No.60 of 2018 on the file of the Special Court for Speedy trial of offences under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), East Godavari, at Kakinada. The instant appeal is filed against the judgment, dated 27.02.2023, passed in S.C.No.60 of 2018, whereby, the petitioner was found guilty for the charge under Section 376(2)(n)(i), 417 IPC and Section 5(l) r/w 6 of POCSO Act and was sentenced to undergo rigorous imprisonment for a period of 10 years and also to pay a fine of Rs.1000/- in default to suffer simple imprisonment for a period of 6 months for the offence punishable under Section 5(l) r/w 6 of the POCSO Act. Further, the petitioner was sentenced to undergo rigorous imprisonment for a	

	27.04.2023 (contn..)	period of 10 years and also pay a fine of Rs.1000/- in default to suffer simple imprisonment for a period of six months for the offence punishable under Section 376(2)(i) IPC. He was further sentenced to suffer rigorous imprisonment for a period of one year and to pay a fine of Rs.500/-, in default, to suffer simple imprisonment for a period of three months for the offence punishable under Section 417 IPC. Heard the learned counsel for the petitioner/accused and the learned Assistant Public Prosecutor appearing for the respondent/State. Learned counsel for the petitioner submitted that the petitioner and the <i>de facto</i> complainant are residing at far off places and moreover, the <i>de facto</i> complainant was married and is living separately with her husband and as such, there is no occasion for the alleged threat as mentioned in the statement filed along with the counter. He further submitted that the petitioner has been on bail throughout trial and at no point of time, a complaint is made that he flouted the conditions of bail. It is further submitted that the petitioner is now confined in Central Jail, Rajahmundry.	
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		Learned counsel would also submit that notice to the victim is not required in this case, and in support of his submissions, he placed reliance on the decision in Re: Ganesh Das and others¹. Learned Assistant Public Prosecutor opposed the petition submitting that the respondent filed counter and that the statement of the <i>de facto</i> complainant is also enclosed to the counter and the same may also be read as part of the submissions on behalf of the respondent. Perused the record. After considering the submissions and as hearing and disposal of the appeal would take considerable time, this Court is of the view that the sentence imposed against the petitioner can be suspended and the petitioner can be enlarged on bail. Accordingly, the sentence of imprisonment alone imposed against the petitioner is suspended pending disposal of the criminal appeal, and he shall be enlarged on bail on his executing a personal bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) with two sureties for a likesum to the satisfaction of learned Special Judge for Speedy trial of offences under the	
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¹ 2022 Cri L J 140

		Protection of Children from Sexual Offences Act, 2012 (POCSO Act), East Godavari, at Kakinada. B.S.BHANUMATHI, J <u>Note</u>:- Issue CC by 28.04.2023 (B/o) RAR	
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