



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 991 of 2021

Kudrat Khan **Versus** State Of Chhattisgarh

DB

Hon'ble Shri Sanjay K. Agrawal and
Hon'ble Shri Sachin Singh Rajput JJ.

24.06.2022	Mr. Ajay Mishra, Counsel for the appellant. Mr. Himanshu Sharma, P. L. for the State/respondent. Heard on I.A.No.1 of 2021, which is an application for suspension of sentence and grant of bail. By impugned judgment of conviction and order of sentence dated 24.07.2021 passed by the Special Judge,(Protection of Children from Sexual Offences Act), Sakti, District- Janjgir-Champa(CG) in Special Criminal Case No.19/2019, whereby the appellant has been convicted and sentenced in the following manner:- <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>Under Section 363 of I.P.C.</td><td>R.I. for 3 years and fine of Rs. 1000/- and in default of payment of fine additional S.I. for 6 Months.</td></tr><tr><td>Under Section 366 of I.P.C.</td><td>R.I. for 5 years and fine of Rs.1000/- and in default of payment of fine Additional S.I. for 6 months.</td></tr><tr><td>Under Section 6 of POCSO Act</td><td>R.I. for 20 years and fine of Rs.10,000/- and in default of payment of fine Additional S.I. for 1 year.</td></tr></table>	Conviction	Sentence	Under Section 363 of I.P.C.	R.I. for 3 years and fine of Rs. 1000/- and in default of payment of fine additional S.I. for 6 Months.	Under Section 366 of I.P.C.	R.I. for 5 years and fine of Rs.1000/- and in default of payment of fine Additional S.I. for 6 months.	Under Section 6 of POCSO Act	R.I. for 20 years and fine of Rs.10,000/- and in default of payment of fine Additional S.I. for 1 year.
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Learned counsel for the appellant submits that the appellant is in jail since 06.01.2019. He has not committed any offence and has been falsely implicated. The prosecutrix was major at the time of offence and considering the statement of PW-1 father and the other witnesses. Thus, appellant be enlarged on bail by suspending his jail sentence.

Per-contra, learned State counsel opposed the application and submits that considering the statements of prosecutrix(PW-2), Dr. Katyani Singh(PW-6) and Chamra Singh(PW-11) has proved the date of birth of the victim i.e. 01.07.2004. State counsel submits that there is sufficient material available on record to connect the appellant-accused person with the offence and the learned trial Court has rightly convicted the appellant for the offences aforementioned and, therefore, the present application deserves to be rejected.

After hearing the learned counsels for the parties and taking into consideration the material available on record particularly the statements of prosecutrix (PW-2), Dr. Katyani Singh (PW-6) and Chamra Singh (PW-11) and other evidence available on record i.e. Medical report(Ex.P/9), FSL report(Ex.P/25) and Dakhil Kharij Register(Ex.P/27), we do not see any good reason to entertain this application for suspension of sentence and grant of bail and the same deserves to be rejected.

Accordingly, I.A.No.01 of 2021 is **rejected**.

Sd/-

(Sanjay K. Agrawal)

Judge

Sd/-

(Sachin Singh Rajput)

Judge