



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1558 of 2021

- Ramayan Patel S/o Ramadhar Patel Aged About 25 Years R/o Ward No. 02, Patelpara Changori, Police Station Akaltara, District Janjgir Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Akaltara District Janjgir Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---Respondent

14.12.2022	Mr. Yogeshwar Sharma, counsel for the appellant. Mr. Rishabh Singh Deo, Panel Lawyer for the State. Heard on application for suspension of sentence and grant of bail to the appellant. By the impugned judgment dated 22.11.2021 passed by the learned Special Judge (POCSO Act) Janjgir, District- Janjgir Champa (C.G.) in Special Sessions Trial No. 101/2020, the appellant stands convicted, as under:- <table><tr><th data-bbox="451 1457 829 1509">Conviction</th><th data-bbox="829 1457 1484 1509">Sentence</th></tr><tr><td data-bbox="451 1509 829 1745">U/s 342 of IPC</td><td data-bbox="829 1509 1484 1745">: R.I. for 6 months and fine of Rs.500/-, in default of payment of fine, 10 days R.I.</td></tr><tr><td data-bbox="451 1745 829 1917">U/s 354 of IPC</td><td data-bbox="829 1745 1484 1917">: R.I. for 1 year and fine of Rs.1000/-, in default of payment of fine, 10 days R.I.</td></tr></table>	Conviction	Sentence	U/s 342 of IPC	: R.I. for 6 months and fine of Rs.500/-, in default of payment of fine, 10 days R.I.	U/s 354 of IPC	: R.I. for 1 year and fine of Rs.1000/-, in default of payment of fine, 10 days R.I.
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U/s 354 of IPC	: R.I. for 1 year and fine of Rs.1000/-, in default of payment of fine, 10 days R.I.						



U/s 354 (B) of IPC	: R.I. for 3 years and fine of Rs.1000/-, in default of payment of fine, 20 days R.I.
U/s 08 of the POCSO Act	: R.I. for 3 year and fine of Rs.1000/-, in default of payment of fine, 20 days R.I.

Learned counsel for the appellant would submit that the appellant has been awarded short sentence of three years, the appellant was on bail during trial for four months and did not misuse the liberty granted to him and further the appeal being of the year 2021, final hearing of the same will likely to take time, the sentence be kindly be suspended.

On the other hand, learned State counsel would submit that the appellant has rightly been convicted after appreciating the facts and materials available on record, hence, the application for suspension of sentence be kindly rejected.

The victim along with her mother appeared through DLSA and raised objection in releasing the appellant on bail.

Considering the fact that the maximum jail sentence awarded to the appellant is RI for three years and further considering the fact that the appeal being of the year 2021, final hearing of the same will likely to take time, I am inclined suspend the sentence of appeal and release him on bail.

Accordingly, application for suspension of sentence and grant of bail is allowed and it is directed that execution of further substantive jail sentence of the appellant shall remain suspended and he shall be released on bail on his executing a personal bond in



sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of trial Court for his appearance before the Registry of this Court on **14th February, 2023**. He shall thereafter appear before the trial Court on a date to be given by the Registry of this Court and shall continue to appear there on all such subsequent dates as are given to him by the said court till the disposal of this appeal. The trial Court shall not give appearance dates in the interval of more than three months

It is directed that if any such allegation is again made by the complainant against the appellant, the concerned Superintendent of Police and the Thana In-charge shall take personal interest and investigate the matter.

List this appeal for final hearing.

Sd/-
(Narendra Kumar Vyas)
Judge

kkd