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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 640/2023 & CRL.M.(BAIL) 1131/2023, CRL.M.A.
21681/2023(Exemption), CRL.M.A. 21682/2023Delay

VISHAL @ SONU

..... Appellant

Through: Mr. Vignaraj Pasayat, Advocate.

Versus

STATE (NCT OF DELHI)

..... Respondent

Through: Ms. Meenakshi Dahiya, APP for State
with SI Ramphool, P.S. Fatehpur
Beri.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% **14.08.2023**

CRL.M.A. 21681/2023(Exemption)

1. Exemption allowed, subject to just exceptions.
2. The application is disposed of accordingly.

CRL.M.A. 21682/2023(Delay)

3. The present application under Section 5 of the Limitation Act seeks condonation of delay of 40 days in filing the present appeal.
4. Issue notice.
5. Learned APP for the State accepts notice, and fairly does not oppose this application.
6. For the reasons stated in the application and in the interest of justice, the delay of 40 days in filing the captioned appeal.
7. The application is allowed and disposed of accordingly.



CRL.A. 640/2023

8. The present appeal under Section 374(2) read with Section 482 Cr.P.C. challenges the judgment of conviction and order on sentence dated 28.09.2022 and 07.03.2023, respectively passed by Sh. Sharad Gupta, learned ASJ-04 (POSCO), South District, Saket Courts, New Delhi in SC No. 549/2017, in FIR No. 305/2017 under Section 363/366/376(2) of the IPC and Section 6 of POCSO Act registered at P.S. Fatehpur Beri.

9. The appellant has been convicted for offence under Section 6 of POCSO Act and sentenced to undergo 12 years of rigorous imprisonment and fine of Rs.5,000/- and in default, further simple imprisonment for 30 days; appellant has been further convicted for offence under Section 363 IPC and sentenced to undergo rigorous imprisonment for 3 years and fine of Rs.2,000/- and in default, further simple imprisonment for 15 days; appellant has been further convicted for offence under Section 366 IPC and sentenced to undergo rigorous imprisonment for 5 years and fine of Rs. 2,000/- and in default, further simple imprisonment for 15 days.

10. Admit.

11. The Registry is directed to requisition the trial Court record, for perusal of this Court, on the next date of hearing.

CRL.M.(BAIL) 1131/2023 (Suspension of sentence)

12. The present application under Section 389 Cr.P.C. read with Section 482 seeks suspension of sentence and release of the appellant on bail during pendency of the instant appeal.

13. Issue notice.

14. Learned APP for the State accepts notice and seeks time to file status



report. Let the same be filed before the next date of hearing.

15. Notice be issued to the complainant for the next date of hearing.

16. List on 20.09.2023.

AMIT SHARMA, J

AUGUST 14, 2023/nk