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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 641/2023**

SHIV SHAMBHU @ SHAMBHU Appellant
Through: Md. Shakeel Ahmed, Advocate.
versus
STATE, NCT OF DELHI Respondent
Through: Mr. Sunil Kumar Gautam, APP for
the State with W/SI Chinki Yadav,
PS: Jahangir Puri.

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **14.08.2023**

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1. The appellant vide the present appeal filed under Section 374 read with Section 482 of the Code of Criminal Procedure, 1973 seeks to challenge the judgment of conviction dated 08.07.2023 and order on sentence dated 01.08.2023 passed by learned ASJ-01, POCSO North District, Rohini, New Delhi in FIR No.788/2014 registered under Sections 354A/354D/354/323/341/506/509 of the Indian Penal Code, 1860 and Sections 8 and 12 of the POCSO Act, 2012 at PS: Jahangir Puri, Delhi.

2. For the reasons stated therein, **ADMIT**.

3. List this appeal in due course in the category of 'Regulars' as per the year of its seniority.

CRL.M.(BAIL) 1132/2023 (for suspension of sentence)

4. The present application has been filed by the applicant under Section 439 of the Code of Criminal Procedure, 1973 seeking substantive suspension

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of sentence in FIR No.788/2014 registered under Sections 354A/354D/354/323/341/506/509 of the Indian Penal Code, 1860 and Sections 8 and 12 of POCSO Act, 2012 at PS: Jahangir Puri, Delhi pending the final disposal of the above captioned appeal by this Court.

5. Issue notice.

6. Learned APP for the State accepts notice. He seeks, and is granted one week time to file the Status Report.

7. Let the Nominal Roll of the appellant also be requisitioned from the concerned Jail Superintendent.

8. Since this is a matter inter alia concerning Sections 8 and 12 of the POCSO Act, 2012, let intimation under Section 439(1-A) Cr.P.C read with Delhi High Court Practice Directions dated 24.09.2019 in form Annexure-A attached to the Practice Directions be sent by the Investigating Officer to the complainant/prosecutrix/informant informing them of the pendency of the present matter to enable them or their authorised signatory to be present in Court if they so desire, either through video conferencing or in Court. It is clarified that it is not compulsory for the prosecutrix to appear in person for the hearing.

9. Let the TCR be requisitioned in the Electronic form.

10. Renotify on 03.10.2023.

SAURABH BANERJEE, J

AUGUST 14, 2023/So

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