

IN THE HIGH COURT AT CALCUTTA  
CRIMINAL APPELLATE JURISDICTION  
APPELLATE SIDE

**CRA (SB) 131 of 2023**  
**with**  
**IA No. CRAN 1 of 2023**

Sugar Mahato @ Chotu Mahato  
-versus-  
The State of West Bengal & Anr.

Mr. Amit Ranjan Pati  
Ms. Swastika Chowdhury  
... For the appellant

Ms. Z.N. Khan  
Mr. Asif Dewan  
... For the State

1. In compliance with the order dated 11<sup>th</sup> December, 2023, a report in sealed envelope is submitted by the learned advocate appearing on behalf of the State. Let the same be kept with the record.
2. Perusing the same, it appears that notice was served upon the victim. In spite of notice, none appears on behalf of the victim.

**In re: CRAN 1 of 2023**

3. The instant application under Section 5 of the Limitation Act is taken up for hearing.
4. Learned advocate appearing on behalf of the appellant/petitioner has submitted that there was a delay of 36 days in filing the appeal on the ground mentioned in paragraph 5 of the application.
5. Perused the application where delay of 36 days in filing the appeal has been explained.

6. Considering the delay explained in the application, the prayer for condonation of delay is allowed. The delay is condoned.

7. The application, being CRAN 1 of 2023, stands disposed of.

**In re: CRA (SB) 131 of 2023**

8. This is an appeal preferred against the judgment and order of conviction passed by the learned Special Judge (POCSO) Court-cum-Additional Sessions Judge, 2<sup>nd</sup> Court, Asansol, in connection with Sessions POCSO Trial No. 13(03) of 2021 whereby the learned Judge found the appellant guilty of committing offence punishable under Sections 8/18 of the Protection of Children from Sexual Offences Act, 2012 and sentenced him to suffer imprisonment for one year and to pay a fine of Rs.2,000/-, in default simple imprisonment for two months.

9. Heard learned advocate appearing on behalf of the appellant and also perused the judgment impugned, the appeal is admitted. Issue usual notices.

10. Trial Court Records be called for.

11. After arrival of the Lower Court Records, if it is found otherwise in order, the informal paper book shall be prepared within eight weeks thereafter.

12. Realization of fine amount be stayed in the meantime.

13. Learned advocate appearing on behalf of the appellant has referred to the bail granted by the learned Judge invoking Section 389 of the Code of Criminal Procedure.

14. Considering the order passed by the learned Judge dated 2<sup>nd</sup> May, 2023 whereby the convict was granted bail invoking Section 389 of the Code of Criminal Procedure, the prayer for confirmation of bail is allowed.

15. The appellant is directed to furnish fresh bond of Rs.10,000/- (ten thousand only) with two registered sureties of Rs.5,000/- (five thousand only) each to the satisfaction of the learned Chief Judicial Magistrate, Paschim Bardhaman.

16. Criminal Section is directed to supply certified copy of this order, if applied for, upon compliance of necessary formalities.

**(Bibhas Ranjan De, J.)**