

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

I.A. No. 1 of 2022

In Re:

CRA No. 720 of 2022

Abc Nil

---- Appellant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station Saraswati Nagar, District Raipur (C.G.)

---- Respondent

(Cause-title taken from Case Information System)

01/05/2023	By the impugned judgment of conviction and order of sentence dated 21.01.2022, the Additional Session Court / Second Fast Tract Special Court, Raipur (C.G.) in Special Criminal Case (POCSO) No.87 of 2018 has convicted the appellant for the offence punishable under Sections 376(2)(n) of the Indian Penal Code (for short, 'IPC') and Section 6 of the POSCO Act and sentenced to undergo rigorous imprisonment for life with fine of Rs. 5,000/-, in default of payment of fine, he shall further undergo rigorous imprisonment for 1 year. Heard Ms. Pragya Pandey, learned counsel for the appellant. Also heard Mr. H.S. Ahluwalia, learned Deputy Advocate General, appearing for the State/respondent on the instant application for

suspension of sentence and grant of bail (I.A. No. 1 of 2022).

Learned Counsel for the convict/appellant has argued that though the appellant is the father of the prosecutrix, but the allegation levelled against the appellant by the prosecutrix, who herself is informant in the present case and the allegation made by the prosecutrix does not prove the same. She further submits that the appellant is in jail since 17.03.2018 and the appeal is likely to take some time for its conclusion, hence the appellant has filed the instant application for suspension of sentence and grant of bail.

An objection has been filed on behalf of the State/respondent. It was argued by Mr. H.S. Ahluwalia, learned Deputy Advocate General that the appellant is a father of the prosecutrix, who was a minor aged about 15 years and she was residing at Girls Hostel and on Diwali vacation, the appellant brought her in his house and committed rape with her. It is further submitted that the semen spots and human sperm was found in the panty of the prosecutrix. Moreover, as per statement under Section 313 of the Cr.P.C. no proper defence has been taken by the appellant against the allegation. The finding arrived at by the learned trial Court is just and proper.

We have heard learned counsel for the parties and perused the records of the Court below.

Considering the materials available on record and particularly the

fact that the appellant is father of the prosecutrix and the statement recorded under Section 313 of the Cr.P.C. and also considering the medical report, we deem it appropriate to reject the application for suspension of sentence and grant of bail at this stage.

Accordingly, I.A. No. 1 of 2022 stands disposed of.

It transpires from the record that the matter is ripe for final hearing.

Let the matter be listed for final hearing in due course.

C.C. as per rules.

**Sd/-
(Rakesh Mohan Pandey)
Judge**

**Sd/-
(Ramesh Sinha)
Chief Justice**