



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 935 of 2024

L S S/o Kaliram Sahu, Aged About 22 Years R/o Village Xxxxx, P.S. Ambagarh Chowli, District Rajnandgaon (C.G.)

... Appellant

versus

State Of Chhattisgarh Through S.H.O. Police Station- Ambagarh Chowki, District Rajnandgaon (C.G.).

---- Respondent

22.08.2024	Mr. Sudhanshu Kumar Singh, counsel for the Appellant. Ms. Sunita Sahu, P.L. for the State/Respondent. Heard on admission as well as I.A. No.01/2024, application for suspension of sentence and grant of bail.

This is admitted appeal.

By the impugned judgment dated 24.04.2024 passed in Special Criminal (POCSO) Case No.51/2022 by the Additional Sessions Judge (F.T.S.C.), (POCSO), Rajnandgaon (C.G.), the appellant stands convicted and sentenced as mentioned below:

Conviction	Sentence	In Default
Under Section 354 of IPC	RI for 03 years and fine amount of Rs.500/-	In default of payment of fine amount RI for 02 months
Under Section 9/10 of the POCSO, 2012	RI for 05 years and fine amount of Rs.1,000/-	In default of payment of fine amount RI for 04 months

(Both sentences are directed to run concurrently)

Learned counsel for the appellant submits that the appellant has been wrongly convicted by the trial Court in the judgment without there being any sufficient and clinching

evidence available on record. He further submits that due to previous enmity, the appellant has been falsely implicated in the alleged incident. He further submits that the appellant is in jail since 26.04.2022 and appeal is likely to take some more time to be finalized. Hence, it is prayed that I.A. No.01/2024 may be allowed.

On the other hand, learned counsel for the respondent/State opposes the argument advanced by the learned counsel for the appellant and submits that at the time of incident, the victim was aged about 07 years and the act committed by the appellant is serious in nature. Therefore, I.A. No.01/2024 be rejected.

I have heard learned counsel appearing for the parties and perused the judgment passed by the learned trial Court and other material available on record with utmost circumspection.

Considering the facts and circumstances of the case, perused the entire evidence adduced by the prosecution as well as statement of witnesses and particularly considering that at the

time of incident, the victim was aged about 07 years. Looking to the seriousness and nature of the offence, I am of the view that it is not a fit case to allow I.A. No.01/2024, during the pendency of this appeal.

Accordingly, I.A. No.01/2024 is **rejected**.

List this case for final hearing in the last week of November, 2024.

Sd/-

(Arvind Kumar Verma)
Judge