

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Criminal Appeal No. 1017 of 2022**

- Prabhat Jhariya S/o. Pardeshi Ram Jhariya aged about 28 years, Residence of Village Opposite Sai Mandir Patelpara Aanwrabhata Dantewada, P.S. City Kotwali Dantewada, District South Bastar Dantewada (C.G.)

----- Appellant**versus**

- State of Chhattisgarh, Through: Police Station Dantewada, District South Bastar Dantewada (C.G.)

----- Respondent

05/07/2022	Shri Pravin Kumar Tulsyan, Advocate for the appellant. Shri Kashif Shakeel, Deputy Advocate General for the State. Heard on I.A. No. 01 of 2022, application under Section 389 of Cr.P.C. for suspension of sentence and grant of bail to appellant. By the impugned judgment of conviction and order of sentence dated 07.06.2022 passed by the Additional Sessions Judge (F.T.C.), South Bastar Dantewada (C.G.) in Special Sessions (POCSO) Case No. 55/202021, the appellant stands convicted and sentenced as under: <table border="1"> <thead> <tr> <th><u>Conviction</u></th><th><u>Sentences</u></th></tr> </thead> <tbody> <tr> <td>Under Section 67 (B) of I.T. Act, 2000</td><td>R.I. for one year and fine of Rs.5,000/-, in default of payment of fine to further undergo additional imprisonment for three months</td></tr> <tr> <td>Under Section 15 (2) of POCSO Act, 2012</td><td>R.I. for one year and fine of Rs.5,000/-, in default of payment of fine to further undergo additional imprisonment for three months</td></tr> </tbody> </table> Learned counsel for the appellant submits that finding recorded by the trial Court is without appreciation of the evidence on record and the conviction appellant can be suspended on the basis of such evidence. The appellant was on bail during trial and he did not misuse the liberty, even after passing of the judgment, his jail sentence has been suspended by the trial Court and disposal of this appeal is likely to take some time, therefore, sentence awarded to the	<u>Conviction</u>	<u>Sentences</u>	Under Section 67 (B) of I.T. Act, 2000	R.I. for one year and fine of Rs.5,000/-, in default of payment of fine to further undergo additional imprisonment for three months	Under Section 15 (2) of POCSO Act, 2012	R.I. for one year and fine of Rs.5,000/-, in default of payment of fine to further undergo additional imprisonment for three months
<u>Conviction</u>	<u>Sentences</u>						
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appellant by the trial Court may be suspended by this Court during the pendency of this appeal.

On the hand, learned counsel for the State submits that the trial Court has justified in convicting the applicant on the basis of evidence produced before it. Therefore, the application for suspension of sentence and grant of bail to the appellant may be dismissed by this Court.

Heard learned counsel for the parties.

Having considered the fact that the maximum sentence awarded to the appellant is of one year, during trial he was on bail and after conviction he is on bail and did not misuse the liberty so granted and disposal of this appeal is likely to take some time, without commenting anything on merit, I am inclined to suspend the sentence imposed upon the appellant and release him on bail. Accordingly, I.A. No. 1 of 2022 is allowed.

It is directed that the execution of substantive jail sentence imposed upon appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety of Rs.50,000/- to the satisfaction of the trial Court. The appellant shall appear before the Registry of this Court on **15th September, 2022** and thereafter shall appear before the trial Court on a date to be given by the Registry and shall continue to appear there on all such dates as are given to him by the said Court till disposal of this appeal.

Certified copy as per rules.

List this appeal for final hearing in due course.

Sd/-
(**Sachin Singh Rajput**)
Judge