

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1121 of 2022

Falit Kumar S/o Bodhan Sahu Aged About 22 Years R/o Village Belsari, Police Station Fastarpur, District Mungeli Chhattisgarh.

---- Appellant

Versus

The State Of Chhattisgarh Through- The Police Station Fastarpur, District Mungeli Chhattisgarh.

---- Respondent

29/07/2022	Shri Amit Kumar Sahu, counsel for the appellant. Shri R.C.S. Deo, P.L. for the State. Heard on I.A. No.1 of 2022, application under Section 389 of CrPC for suspension of sentence. By the impugned judgment dated 22/06/2022 passed by the Special Judge (F.T.S.C.) POCSO Act, Mungeli, District Mungeli (C.G.) in Special Criminal Case No 30/2019, the appellant stands convicted and sentenced as under :- <table><tr><th>Conviction</th><th></th><th>Sentence</th></tr><tr><td>Under Section 454, 354 of Indian Penal Code</td><td></td><td>R.I. for 1 year and fine of Rs. 200/-. In default of payment of fine further S.I. for one month. (Separate sentence u/s 354 not counted, which is merge under the POCSO Act.)</td></tr><tr><td>Offence U/s 8 of POCSO Act</td><td></td><td>R.I. for 3 years and fine of Rs. 2000/-. In default of payment of fine further S.I. for two months. All the sentences are run concurrently.</td></tr></table> Counsel for the appellant submits that the maximum sentence is of three years, during pendency of trial appellant was on bail and he has not misused the liberty granted to him, disposal of the appeal is likely to take time, hence appellant sentence may be	Conviction		Sentence	Under Section 454, 354 of Indian Penal Code		R.I. for 1 year and fine of Rs. 200/-. In default of payment of fine further S.I. for one month. (Separate sentence u/s 354 not counted, which is merge under the POCSO Act.)	Offence U/s 8 of POCSO Act		R.I. for 3 years and fine of Rs. 2000/-. In default of payment of fine further S.I. for two months. All the sentences are run concurrently.
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suspended.

Learned counsel for the State has opposes the bail of the appellant.

Despite service of notice no one appears on behalf of prosecutrix or her guardian.

Heard learned counsel for the parties.

Looking to the facts and circumstances of the case, looking to the sentence period of the appellant, he has already served one month jail sentence, during trial he is on bail and he has not misused, appeal is likely to take some time, therefore, I am of the opinion that present is a fit case to suspend the jail sentence imposed upon the appellant and to release him on bail.

Accordingly, the application (I.A. No.1 of 2022) is allowed.

It is directed that the execution of substantive jail sentence imposed upon the 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.25,000/- with one surety for the like sum to the satisfaction of the trial Court. He shall appear before the Registry of this Court on **29/09/2022** 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 subsequent dates as are given to him by the said Court till disposal of this appeal.

Call for the record.

List this appeal for final hearing.

Sd/-
(Sachin Singh Rajput)
JUDGE