



HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

I.A. No. 1 of 2022***In Re:*****CRA No. 1865 of 2022**

Sunil Yadav alias Sanil S/o Shri Dharmendra Yadav, Aged About 23 Years, R/o Village Pandra Pathra, Outpost- Belgahna, Police Station Kota, District : Bilaspur, Chhattisgarh.

---- Appellant**Versus**

State of Chhattisgarh Through Police Station Ratanpur, District : Bilaspur, Chhattisgarh.

---- Respondent

(Cause-title taken from Case Information System)

05/03/2024	By the impugned judgment of conviction and order of sentence dated 24.09.2022, the learned Upper Session Judge, 2 nd Fast Track Special Court, Bilaspur, District Bilaspur (C.G.) in Special Criminal Case (POCSO Act) No. 83 of 2019, has convicted the appellant for the offence punishable under Sections 363 and 366 of the Indian Penal Code (IPC) and Section 5(g)/6 of the Protection of Children from Sexual Offences Act, 2012 and sentenced to undergo rigorous imprisonment for 07 years and fine amount of Rs. 1000/-, in default of payment of fine additional rigorous imprisonment for 04 months, sentenced to undergo



rigorous imprisonment for 10 years and fine amount of Rs. 1000/-, in default of payment of fine additional rigorous imprisonment for 06 months and sentenced to undergo rigorous imprisonment for life and fine amount of Rs. 2000/-, in default of payment of fine additional rigorous imprisonment for 01 year (all the sentences to run concurrently).

None appears nor is any representation made on behalf of the appellant to press I.A. No. 1 of 2022, which is an application for suspension of sentence and grant of bail when the case is called out.

It transpires from the record that the appellant is in jail since 25.05.2019. Hence, the Court proceeds to consider and hear the I.A. No. 1 of 2022 with the assistance of the State counsel.

Mr. Sakib Ahmed, learned Panel Lawyer submits that notice has been served to the victim (PW-3), but none appears to oppose the application for suspension of sentence and grant of bail to the appellant. It is further submitted by the learned Panel Lawyer that the appellant has committed sexual assault with the victim, who is aged about 15 years 11 months at the time of incident and the victim age was proved by Dakhil Kharij register (Ex.P/9) seized from Kamleshwar Prasad Laskar (PW-8), which mention the date of birth of victim as 06.06.2003, thus, on the date of incident *i.e.* on 24.05.2019, the victim was a minor girl. He further submits that Dr. Poonam Singh (PW-7) has conducted MLC and found that the top



of the victim was blood covered and in her sign of dry blood and scratches in her hands. She also found that bloods coming from her private part and there is injury of 0.3x0.3 size injury on her private part and her private part is damaged. The FSL report of the victim is also positive. He also submits that the victim (PW-3) has categorically stated in her statement before the trial Court that on the date of incident, accused persons came and dragged her, covered her face with cloth and committed forcibly rape with her. The victim has identified the present accused-Sunil Yadav alias Sanil during identification proceeding in present of Jagat Maravi (PW-12) and victim's sister (PW-24), but she did not identified the co-accused, namely, Yogesh Kumar Porte @ Bholu and the trial Court acquitted the Yogesh Kumar Porte @ Bholu. The findings arrived at by the learned trial Court is just and proper.

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

Considering the material available on record, particularly the fact that the appellant has committed sexual assault with the victim, who is a minor girl aged about 15 years 11 months at the time of incident and the MLC and FSL report of the victim is positive and the victim in her statement before the trial Court stated that on the date of incident, accused persons came and dragged her, covered her face with cloth and committed forcibly rape with her. The victim has also identified the present accused-



Sunil Yadav alias Sanil during identification proceeding, we deem it appropriate to reject the application for suspension of sentence and grant of bail to the appellant-**Sunil Yadav alias Sanil**.

Accordingly, I.A. No. 1 of 2022 stands **rejected**.

Let the matter be listed for final hearing after two weeks.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice