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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 70/2025**
ALOK PAWARAppellant

Through: Mr. Shivek Trehan (DHCLSC) and
Ms. Ayushi Sinha Advocates.

versus

STATE (NCT OF DELHI)Respondent

Through: Mr. Rajkumar, APP for State.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER
20.05.2025

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1. Admit.
2. Issue notice. Mr. Rajkumar, learned APP accepts notice on behalf of the State.
3. List in due course.

CRL.M.(BAIL) 129/2025 (suspension of sentence)

4. By way of the instant application, the applicant seeks suspension of sentence awarded to him *vide* order on sentence dated 04.10.2024, passed by the learned Additional Sessions Judge, FTSC (POCSO), North District, Rohini Courts, Delhi in SC No. 381/2017, in the case arising out of FIR bearing no. 311/2017, registered at Police Station Samaypur Badli, Delhi for the commission of offences under Sections 342/376(2)(i)/506(II) of Indian Penal Code, 1860 (hereafter 'IPC') and Section 3 of POCSO Act punishable under Section 4 of the POCSO Act, whereby, the appellant has been convicted for the aforesaid offences and has been sentenced (i) to undergo



rigorous imprisonment for a period of one year and a fine of Rs. 1,000/- for the commission of offence punishable under Section 342 of IPC and in case of default in payment of the fine, to further undergo simple imprisonment for a period of fifteen days, (ii) to undergo rigorous imprisonment for a period of five years and a fine of Rs. 2,000/- for the commission of offence punishable under Section 506(II) of IPC and in case of default in payment of the fine, to further undergo simple imprisonment for a period of fifteen days and (iii) to undergo rigorous imprisonment for a period of twelve years and a fine of Rs. 5,000/- for the commission of offence punishable under Section 376(2)(i) of IPC and in case of default in payment of the fine, to further undergo simple imprisonment for a period of thirty days. All the sentences had been ordered to run concurrently. The benefit of Section 428 of Cr.P.C. had been extended to the convict. However, no amount of fine had been paid by the convict.

5. Nominal Roll has been received.
6. Status report has been handed by the State, in the Court today.
7. The learned counsel appearing on behalf of the appellant states that the appellant has already undergone seven years out of his total sentence of rigorous imprisonment for eighteen years. He further states that the appellant/applicant has been facing trial since the year 2017, he has old aged parents, three younger sisters are dependent on him and two brothers are studying. Therefore, it is prayed that the sentence imposed on the appellant/applicant in the present case may be suspended during the pendency of the present appeal.
8. This Court has gone through the Trial Court Record and the statements of the witnesses.



9. In light of the aforesaid facts and circumstances of the present case, the present application is allowed. It is directed that the sentence awarded to the appellant/applicant shall remain suspended during the pendency of the present appeal, subject to (i) his furnishing a personal bond to the tune of Rs. 10,000/- with one surety bond of the like amount, and (ii) depositing of fine of ₹8,000/- imposed upon him, to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned, on the following terms and conditions, subject to verification that the amount of fine be deposited with the learned Trial Court by the appellant:

- i) The appellant/applicant shall not leave the country without prior permission of the concerned Court.
- ii) In case of change of residential address/contact details and phone number, the applicant shall promptly inform the same to the concerned Trial Court.

10. Accordingly, the present application stands disposed of.

11. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 20, 2025/vc