

Bodh Raj Vs. State of H.P.

Cr. Appeal No. 615/2024

21.12.2024 Present: Mr. Adarsh K. Vashishta, Advocate, for the appellant.

Mr. Navlesh Verma, Additional Advocate General with Mr. Gautam Sood, Mr. Raj Negi and Ms. Niyati Thakur, Deputy Advocates General, for the respondent-State.

Cr. MP No. 4923/2024

The present application has been filed by the applicant under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short "BNSS") for suspension of sentence during the pendency of the present appeal.

2. In reply filed by the respondent/State, it has been averred that there is no infirmity in the findings of the learned trial Court, as such, he deserves no leniency. Moreover, the applicant has been convicted in a serious crime, that too, after full fledged trial, hence, prayer for dismissal of the application has been made.

3. I have heard the learned counsel for the applicant/appellant, learned Additional Advocate General for the respondent-State and also gone through the material available on record.

4. Vide judgment of conviction/order of sentence dated 27.09.2024, passed by the learned Sessions Judge-cum-Principal Judge, Family Court, Kangra at Dharamshala, H.P., the applicant/appellant has been

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convicted for commission of the offence punishable under Section 201 of the Indian Penal Code (for short "IPC") and he was sentenced to undergo rigorous imprisonment for a period of four years and to pay a fine of Rs. 5,000/-.

5. The appeal pertains to the year 2024 and the same is not likely to be taken up for hearing in the near future. It is not in dispute that the applicant was on bail during trial and never misused the liberty so granted to him.

6. Keeping in view the facts and circumstances of the case and also the fact that the main appeal stands admitted for hearing, coupled with the fact that the present applicant has been convicted only under Section 201 of IPC, it is ordered that the substantive sentence imposed upon the applicant/appellant, vide judgment of conviction/order of sentence dated 27.09.2024, passed by the learned Sessions Judge-cum-Principal Judge, Family Court, Kangra at Dharamshala, H.P., shall remain suspended, till final disposal of the appeal, however, subject to the applicant's furnishing personal bond in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of learned trial Court and also depositing the fine amount, if not already deposited, within a period

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of two weeks from today, undertaking therein to appear in the Court as and when directed and in the event of the dismissal of the appeal, the applicant will surrender before the Court to undergo sentence, if any, imposed by the Court.

7. However, it is made clear that the applicant shall not indulge himself in any crime and maintain good social behaviour, or else, this order shall be liable to be cancelled.

8. The application stands disposed of.

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Since the appeal already stands admitted, list for final hearing in due course.

(Sushil Kukreja)
Judge

21st December, 2024
(raman)