

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J.) No. 371 of 2019

Sonu Thakur @ Sanoj Thakur Appellant

Versus

The State of Jharkhand Respondent

CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH

For the Appellant : Mr. Arun Kumar, Adv.
For the Respondent : APP

04/Dated: 10.07.2019

I.A. No.3359 of 2019

This interlocutory application has been filed on behalf of the appellant under Sections 389 (1) of the Cr.P.C. for suspension of sentence, in connection with the judgment of conviction and order of sentence dated 04.02.2019, passed by learned Additional Sessions Judge-I-cum-Special Judge (POCSO) Simdega in Sepcial (POCSO) Case No.16/18 arising out of Pakartand P.S. Case No.5/2018, corresponding to G.R. No.140/18, whereby and whereunder the appellant has been convicted for the offences under Sections 4, 8 and 12 of POCSO Act and sentenced him to undergo R.I. for 7 years for the offence for the offence under Sections 4 of POCSO Act and to pay a fine of Rs.10,000/-, in default, the appellant shall have to undergo R.I. for three months and further sentenced him to undergo R.I. for 3 years for the offence under Sections 8 of POCSO Act and to pay fine of Rs.10,000/- and in default, the appellant shall have to undergo R.I. for three months and further sentenced him to undergo R.I. for 3 years for the offence under Sections 12 of POCSO Act and to pay fine of Rs.10,000/- and in default the appellant shall have to undergo R.I. for three months. All the sentences shall run concurrently. Further ordered that the fine amount relized from the convict, shall be given to the victim as compensation under Section 357 of Cr.P.C.

The present appeal has been admitted vide order dated 09.05.2019 and LCR was called for, which has been received in Original and kept on record.

Learned counsel for the appellant has submitted

that although victim is aged about 16 years but she admitted that she was in relationship with the appellant and prior to the occurrence they had fled away from their house to Ranchi and thereafter Bangaluru for marriage and the appellant is in judicial custody since 10.03.2018.

On the other hand learned counsel for the State has opposed the prayer for suspension of sentence of the appellant.

Considering the aforesaid facts and circumstances of the case, I, hereby, suspend the sentence of the appellant awarded by the learned Additional Sessions Judge-I-cum-Special Judge (POCSO) Simdega in Special (POCSO) Case No.16/18 arising out of Pakartand P.S. Case No.5/2018, corresponding to G.R. No.140/18. During pendency of this criminal appeal, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I-cum-Special Judge (POCSO) Simdega in Special (POCSO) Case No.16/18 arising out of Pakartand P.S. Case No.5/2018, corresponding to G.R. No.140/18, on the conditions that the one of the bailor must be father of the appellant and the appellant shall deposit fine amount awarded by the court below i.e. Rs.30,000/- before the court below within Six weeks from today and after deposition of the said amount the court below is directed to issue notice upon the victim and on her appearance and after proper verification shall release the said amount in her favour under Victim Compensation.

Accordingly, I.A. No. 3359/2019, is hereby allowed.

Let a copy of this order be sent to the court below through "FAX".

(Anant Bijay Singh, J.)