

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>CRLA No.194 of 2023 <u>Hon'ble Manoj Kumar Tiwari, J.</u> <u>Hon'ble Pankaj Purohit, J.</u></p> <p>Mr. Mukul Dangi, learned counsel for the appellant.</p> <p>2. Mr. J.S. Virk, learned Deputy Advocate General along with Mr. Rakesh Joshi and Mr. Pankaj Joshi, learned Brief Holders for the State.</p> <p>3. This appeal has been preferred by the appellant against the judgment and order dated 14.10.2022 in Special Sessions Trial No.142 of 2019, State vs. Shyam Singh, passed by learned Special Judge (POCSO)/Additional District & Sessions Judge, Dehradun, whereby appellant has been convicted under Sections 363 IPC and sentenced to three years rigorous imprisonment along with fine of Rs.10,000/-. The appellant has further been convicted under Section 323 IPC and sentenced to six months rigorous imprisonment. The appellant has also been convicted under Section 5/6 of the Protection of Children From Sexual Offences Act, 2012 and sentenced to twenty five years rigorous imprisonment along with fine of Rs.50,000/-, with default stipulation of six months. It was directed that all the sentences shall run concurrently.</p> <p>4. Appellant has sought bail.</p>

5. It is contended that there is delay of about one year in lodging the FIR; there is no direct evidence against the appellant and the learned trial court convicted the appellant in the absence of any cogent evidence.

6. Learned State Counsel, however, opposed the bail application and submitted that, as per DNA report, accused is the biological father of the child, who was born due to sexual assault committed on the victim.

7. The victim in her statement categorically stated that appellant sexually assaulted her repeatedly and there has been no contradiction in the testimony of victim. The DNA report also goes against the appellant.

8. After hearing rival contentions of learned counsel for the parties, we are not inclined to grant bail to the appellant. In such view of the matter, bail application (IA No.3/2023) is rejected.

9. List this matter for final hearing on 08.11.2023.

(Pankaj Purohit, J.) (Manoj Kumar Tiwari, J.)
28.06.2023

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