

Court No. - 83

Case :- CRIMINAL APPEAL No. - 9803 of 2023

Appellant :- Jeetu Jat @ Jitendra Singh

Respondent :- State of U.P.

Counsel for Appellant :- Kashi Naresh Mishra

Counsel for Respondent :- G.A.

Hon'ble Sanjay Kumar Pachori,J.

Shri Kashi Naresh Mishra, learned counsel for the appellant and Shri Ramesh Kumar Singh, learned A.G.A for the State are present.

The present criminal appeal has been preferred to set aside the judgement and order dated 29.08.2023 passed by Special Judge POCSO Act, Mathura, in Special Case No. 568 of 2020 by which the trial court convicted the appellant under Section 504 of I.P.C. and sentenced the appellant under section 504 of I.P.C for six months of imprisonment with fine of Rs. 300/- and in default of payment of fine for fifteen days of additional simple imprisonment.

Learned counsel for the appellant submits that the impugned judgement and order has been passed without appreciating the evidence in right perspective and are against the weight of evidence. It is further submitted that the other co-accused Dharmveer Jaat was convicted under Sections 354, 504 and 506 of I.P.C, under Section 8 of POCSO Act and under Section 3(2) (VA) of S.C./S.T Act. It is further submitted that the conviction and sentence order has been passed without giving the benefit of probation of first offenders act.

Admit.

Learned A.G.A accept the notice.

List this case after eight weeks.

Summon the original record.

Till the next date of listing, effect and operation of judgement and order dated 29.08.2023 along with realization of fine shall remain stayed.

Order on Criminal Misc. Bail Application No. 01 of 2023.

Learned counsel for the appellant submits that the appellant is on interim bail and he has not misused the liberty of bail.

In view of the above facts and circumstances, without considering the merits of the case and on account of huge pendency of cases before this Court, there is no likelihood of final hearing of this appeal in near future, the appellant is granted bail.

Let the appellant- **Jeetu Jat @ Jitendra Singh**, be released on bail in Special Case No. 568 of 2020 arising out of Case Crime No. 54 of 2020 under Section 504 of I.P.C., Police Station- Raya, District- Mathura, after executing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned.

Order Date :- 27.9.2023

Saurabh