



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7130 of 2025

Chhota Alias Karan

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s) : Jitendra Pal Singh, Pradeep Kumar Singh
Counsel for Respondent(s) : G.A.

Court No. - 69

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

Order on Application for Suspension of Sentence

1. Heard learned counsel for the appellant, Sri Ram Kumar Verma, learned A.G.A. for the State and perused the record.
2. The present criminal appeal has been preferred by the appellant-applicant against the judgment and order of conviction and sentence dated 29.07.2025/31.07.2025 passed by Special Judge (POCSO Act), Court No.1/ Additional Sessions Judge, Pilibhit in Special Session Trial No.847 of 2022 arising out of Case Crime No.351 of 2021, under Section 354, 506 IPC & 7/8 POCSO Act, Police Station Jahanabad, District Pilibhit.
3. By means of the impugned judgement and order, the appellant-applicant has been convicted for the offence under Section 7/8 POCSO Act and sentenced to undergo rigorous imprisonment for four years along with fine of Rs.25,000/- and in default thereof, to further undergo imprisonment for two months; under Section 354 IPC the appellant was convicted for three years imprisonment and a fine of Rs.10,000/- and in default of payment further undergo one month additional imprisonment and under Section 506 IPC, the appellant convicted for one year imprisonment and a fine of Rs.5,000/- and in default of payment, further undergo 15 days additional imprisonment.

4. Learned counsel for the appellant-applicant submits that in the cross examination, the mother of victim herself admitted that she was married 30 years back and the victim was born 9 years of marriage, therefore, age of victim was 21 years at the time of incident but the court below ignored this fact and convicted the applicant under Section 7/8 POCSO Act with four years imprisonment. It is further submitted that prior to alleged incident in question, the sister of the applicant had lodged an FIR against the cousin of the victim and he has been falsely implicated the trial court did not consider the same. It is further submitted that the applicant has completed more than three and half month in jail and there is no likelihood of early hearing of the appeal. The appellant undertakes that he will not misuse the liberty of bail and he will co-operate with the hearing of the appeal.

5. Per contra, learned A.G.A. for the State vehemently opposed the prayer and submitted that the victim girl has made specific allegation for outraging her modesty by the applicant, therefore, he is not entitled to be released on bail during pendency of appeal.

6. Considering the submissions advanced by the learned counsel for the parties and bare perusal of record, it is not in dispute that during cross examination, mother of victim herself admitted this fact that the victim was born after 9 years of her marriage and she was married at 30 year back, which shows that the victim was major at the time of incident and this fact was ignored by the court below while passing the impugned judgement and there is no likelihood of early hearing of appeal due to heavy pendency, totality of facts and circumstances, at this stage, without commenting on the merits of the case, the appellant-applicant has made out a case for grant of bail, during pendency of his appeal.

7. Accordingly, the present application for suspension of sentence is allowed and execution of the sentence passed in the judgement and order dated 29.07.2025/31.07.2025 shall remain stayed against the appellant, during pendency of his appeal subject to condition the appellant shall pay half of the fine.

8. Let the appellant **Chhota @ Karan** be released on bail in the aforesaid case crime on his furnishing a personal bond and two securities each in the like amount to the satisfaction of court below concerned and the appellant will co-operate in hearing of the appeal and its early disposal. The half of the fine shall remain stayed.

9. On acceptance of bail bonds, the lower Court shall transmit the photostat copies thereof to this Court for being kept on record of this appeal.

Order on Appeal

List this appeal after eight weeks.

(Arun Kumar Singh Deshwal,J.)

October 10, 2025
A.Kr.