

**Court No. - 68**

**Case :-** CRIMINAL APPEAL No. - 4038 of 2022

**Appellant :-** Sanyam Saxena

**Respondent :-** State of U.P.

**Counsel for Appellant :-** Shree Prakash Giri, Mithilesh Kumar Shukla

**Counsel for Respondent :-** G.A.

**Hon'ble Ali Zamin, J.**

This appeal has been filed against the judgment and order dated 27.5.2022 passed in ST No.353 of 2016 against FIR dated 19.1.2016 arising out of case crime no.0062 of 2016 u/s 506, 326-B IPC and 66A (c) of the Information Technology Act, 2000, Police Station New Agra, District Agra, whereby the trial court has convicted the appellant under Section 67-A of the Information Technology Act, 2000 and sentenced to undergo five years R.I. along with fine of Rs.1,00,000/- (one lac) and in case of default of payment, the appellant was directed to undergo six months' additional imprisonment.

Heard learned counsel for the parties and the victim who is present in the Court in pursuance of the order of this Court dated 27.9.2022. The victim has been identified by her counsel.

Learned counsel for the appellant submits that victim herself is the deponent in the present appeal. She has stated that she is worried from the dispute with the appellant and wants to live with him and her previous marriage has also been dissolved. She is divorced from her earlier husband.

Learned AGA submits that since the victim has decided to live with the appellant, therefore, in the interest of justice, the conviction of the appellant may be set aside and acquitted.

Considering the submissions of the learned counsel for the parties and victim's changed stand as well as looking her future, it appears that in the interest of justice without entering into merit of the case the conviction and sentence of the appellant be set aside and he be acquitted for the offence under which he has been convicted and sentenced.

Accordingly, conviction and sentence passed by the impugned judgment and order dated 27.5.2022 is hereby set aside. The appellant is acquitted of the offence under Section 67-A I.T. Act. If the appellant is not required in any other case, he shall be released at once.

The appeal is accordingly allowed.

Let this order be communicated to the court concerned for compliance.

**Order Date :- 30.9.2022**

SP