

Ghurwa vs State Of Chhattisgarh on 1 November, 2021

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 1299 of 2021

- Ghurwa S/o Late Mahettar Sarthi Aged About 37 Years R/o Village Madwa, P.S. Chandrapur, District Janjgir Champa Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chandrapur, District Janjgir Champa Chhattisgarh

---- Respondent

1-11-2021 Mr. Ishwar Jaiswal, counsel for the appellant.

Mr. Adil Minhaj, Govt. Advocate for the State. Heard Admit.

Call for the records.

Also heard on I.A.No. 1 of 2021, which is an application for suspension of sentence and grant of bail to the appellant.

By the impugned judgment dated 8-10-2021 passed by the learned Special Judge (FTSC). Sakti, District Janjgir-Champa (CG), passed in Special Criminal Case 33 of 2021, the appellant stands convicted under Section 8 of Protection of Children from Sexual Offenses Act, 2012 and sentenced to undergo RI for three years and fine amount of Rs.5000/-, in default of payment of fine amount to further undergo RI for six months.

Considering the fact that the maximum jail sentence awarded to the appellant is RI for three years, the appellant was on bail during trial and did not misuse the liberty granted to him and even after conviction, his jail sentence was temporarily suspended by the trial Court under Section 437(A) of Cr.P.C., so as to make him convenient to prefer an appeal and get bail from this Court and further considering the fact that the appeal being of the year 2021, final hearing of the same will likely to take time, I am inclined suspend the sentence of appeal and release him on bail.

Accordingly, I.A.No.1 of 2021 is allowed and it is directed that execution of further substantive jail sentence of the appellant shall remain suspended and he shall be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of trial Court for his appearance before the Registry of this Court on 21-11-2021. He shall thereafter appear before the trial Court on a date to be given by the Registry of this court and shall continue to appear there on all such subsequent dates as are given to him by the said court till the disposal of this appeal.

Certified copy today.

Sd/-

(Narendra Kumar Vyas) Judge Raju