

(2020) 06 MP CK 0175
In the Madhya Pradesh High Court
Case No : Criminal Appeal No. 3264 Of 2020

Naval Singh	Vs	APPELLANT
State Of Madhya Pradesh		RESPONDENT

Date of Decision : 08-06-2020

Acts Referred:

Limitation Act, 1963 — Section 5
Indian Penal Code, 1860 — Section 354, 457

Citation : (2020) 06 MP CK 0175

Hon'ble Judges : S. A. Dharmadhikari. J

Bench : Single Bench

Advocate : R. S.Yadav, Kamlesh Kori

Judgement

In pursuance of the directions issued by the Apex Court and guidelines issued by the High Court of Madhya Pradesh in the wake of COVID-19

outbreak, the matter was taken up through video conferencing while adhering to the norms of social distancing prescribed by the Government.

Heard on I.A. No.4425/2020, an application under section 5 of the Limitation Act.

For the reasons stated therein, the I.A. is allowed and delay in filing this appeal is hereby condoned.

Heard on the question of admission.

Admit.

Shri Kamlesh Kori, Panel Lawyer takes notice on behalf of the respondent/State.

Record of the trial Court be called for.

Heard on I.A. No.5200/2020 which is an application for suspension of sentence and grant of bail to the appellant

This appeal has 8/1/2020 passed by II Special Judge (under No.27/2019

whereby been preferred against the judgment dated Additional Sessions Judge designated as the POCSO Act, 2012), Vidisha in S.C. the appellant has been convicted under Sections 457 and 354 of the IPC and

sentenced to undergo R.I. for 1 year with fine of Rs.2000/- in default to R.I. for 2 months for each of the offences u/ss 457 and 354 of the IPC, with

the direction that the custodial sentences shall run concurrently.

Prosecution story, as found proved, is that on 7/6/2019, at about 4 AM, when prosecutrix was sleeping on the roof of her house along with her mother,

the appellant, who is her neighbour having adjoining roof separated by only 5 ft.wall, jumped onto the roof of her house and caught hold of her hand

with an ill intent and told not to awaken her mother. The prosecutrix screamed. Thereafter, he jumped back to his roof. A week before also, the

appellant had tried to pull her into his room.

Learned counsel for the appellant submits that out of 1 year imprisonment, appellant has already suffered incarceration of about 5 months. It is further

submitted that disposal of this appeal is likely to take time and in view of COVID-19 outbreak, detention of appellant in already congested prisons may

be detrimental. With the aforesaid submissions, prayer for suspension of sentence is made.

The prayer is opposed by learned Panel Lawyer.

An early hearing of this case is not possible. Taking into consideration the overall facts and circumstances of the case, the I.A. is allowed

It is, therefore, directed that if appellant namely Naval Singh deposits the entire fine amount, if not already deposited, and furnishes a personal bond in

the sum of Rs.50,000/-(Rupees fifty thousand) to the satisfaction of trial Court for his appearance before the Registry of this Court on 7th

December, 2020 and on such subsequent dates as may be fixed in this regard, sentences of imprisonment awarded to him shall remain suspended till

further orders and he shall be released on bail. The appellant shall install Aarogya Setu App (if not already installed) in his mobile phone also furnish

a written undertaking that he will abide by the terms and conditions of various circulars, as well as, orders issued by the Central Government, State

Government and local administration from time to time such as maintaining social distancing, physical distancing, hygiene etc. to avoid proliferation of

Corona virus.

Learned Panel Lawyer is directed to send an e-copy of this order to the Station House Officer of the concerned Police Station for information and necessary action.

E- copy of this order be sent to the trial Court concerned for compliance, if possible by the office of this Court.

Certified copy/e-copy as per rules/directions.