

Crl. Appeal no. 01/2021
Somnath Bharti Vs. State
DL CT 11-000042-2021

28.01.2021

Fresh appeal received on assignment. It be checked and registered.

Pr: Mohd. Irshad, Counsel for appellant alongwith appellant and surety in person.

Sh. Manish Rawat, ld. Addl.PP for the State/respondent.

Vide the present appeal, the appellant has challenged the judgment dated 22.01.2021, whereby trial court has convicted the appellant for the offences u/s 323/353 read with Section 149 IPC, U/s 3 of The Prevention of Damage of Public Property Act, 1984 & U/s 147 IPC r/w Section 149 IPC and sentence order dated 23.01.2021 whereby the ld. trial court has sentenced the appellant/convict to undergo simple imprisonment for 15 days alongwith fine of Rs.500/- for offence punishable U/s 323 IPC R/w Section 149 IPC, in addition to the simple imprisonment for a period of six months for offence

punishable U/s 353IPC R/w Section 149 IPC alongwith fine of Rs.500/-, in addition to the simple imprisonment for a period of one year for offence punishable U/s 147 IPC r/w Section 149 IPC alongwith fine of Rs.1,000/-, in addition to the simple imprisonment for a period of two years for offence punishable U/s 3(1) of the Prevention of Damage of Public property Act, 1984 alongwith fine of Rs.1,00,000/- and all the sentences shall run concurrently and in case fine amount is not paid, convict/appellant shall further undergo simple imprisonment for a period of one month and on deposition of fine, out of the fine amount, sum of Rs.75,000/- be paid to the AIIMS, New Delhi as compensation and Rs.25,000/- be deposited with the State.

Alongwith appeal, an application U/s 389 Cr.P.C for stay of the proceedings arising out of the impugned order dated 22.01.2021 and order dated 23.01.2021 during the pendency of the appeal, has been filed on behalf of appellant.

Heard.

Since the appeal is going to take considerable

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time for disposal and having regard to grounds set out in the appeal, the application filed by the convict/appellant is allowed and conviction order dated 22.01.2021 and sentence order dated 23.01.2021 of Ld. Trial court are suspended during the pendency of this appeal, subject to the appellant furnishing personal bond in the sum of Rs. 20,000/- with one surety in the like amount to the satisfaction of this court. Bail Bond filed. Same stands accepted.

Ld. APP for state accepts notice on behalf of State/respondent. Copy of the appeal alongwith documents has been supplied to the State.

TCR be summoned for the next date of hearing.

A copy of this order be sent to the Ld.trial court for information.

As prayed, copy of order be given dasti.

Now put for reply/arguments on 15.02.2021.

**VIKAS
DHULL**
(Vikas Dhull)

Digitally signed by
VIKAS DHULL
Date: 2021.01.28
14:31:42 +0530

**Special Judge (PC Act) CBI-23
(MPs/MLAs Cases), RADC
New Delhi**

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