

Court No. - 86

Case :- CRIMINAL REVISION No. - 732 of 2024

Revisionist :- Mohd Haroon

Opposite Party :- State of U.P.

Counsel for Revisionist :- Ajay Pandey, Amit Goel, Azad Khan, Deepak Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Ram Manohar Narayan Mishra, J.

1. Instant Criminal Revision has been preferred by the revisionist against the judgment and order dated 18.1.2024 passed by the learned Additional District and Sessions Judge F.T.C. First, district Hamirpur in Criminal Appeal No. 35 of 2023 as well as judgement and order dated 11.7.2023 passed by the C.J.M., Hamirpur in Case No. 10417 of 2022, arising out of Case Crime No. 248 of 2022, under Sections 354, 354A(IV), 354-D and 509 I.P.C. By the impugned judgement learned trial court convicted the revisionist under sections 354, 354Ka(1)(IV), 354Gha and 509 I.P.C. and awarded four years simple imprisonment and Rs. 2000/- fine under section 354 I.P.C., one year simple imprisonment and Rs. 1000/- fine under section 354Ka(1)(IV) I.P.C., one year simple imprisonment and Rs. 1000/- fine under section 354 Gha and one year simple imprisonment and Rs. 500 fine under section 509 I.P.C. in default of payment of fine, the accused has to undergo 15 days further imprisonment.

Order on bail application/ Suspension of sentence:-

2. Heard learned counsel for the revisionist, learned A.G.A. for the State-respondent and perused the material available on record.

3. Learned counsel for the revisionist submitted that informant/complainant is a judicial officer and was posted in District Court Hamirpur at the time of incident and accused revisionist is a practicing Advocate in the said court. An F.I.R. was lodged by the complainant on 19.8.2022 under sections 354-C and 354-D I.P.C. against the revisionist with the allegation that the revisionist was hindering privacy of the informant, passing sexual comments and staring at her every now and then when she was walking out of her chamber.

4. Learned counsel for the revisionist submitted that the prosecution version is exaggerated and there is no allegation against the revisionist for transmitting any undesirable audio SMS or whatsapp message to the informant or trying to chat her in private manner. The main allegation against the revisionist is that he was stalking the informant. The revisionist apologized to her on several occasions but it was misconstrued by the informant. It is further submitted that revisionist is a practicing lawyer and has undergone imprisonment of one year, 11 months as on 6.11.2024 and 2 years 2 months and 15 days imprisonment with remission as on date. Thus, the revisionist has undergone half of the maximum sentence awarded in the impugned judgement. The accused-revisionist undertakes to abide by the conditions of bail. The early hearing of the appeal is not likely to take place due to heavy backlog.

5. In support of his argument, learned counsel for the revisionist placed reliance on the following judgement of Hon'ble Supreme court:-

i. Ram and Shyam Company vs. State of Haryana and others, 1985 AIR 1147, passed on 8.5.1985.

ii. Ballu @ Balram @ Balmukund vs. State of Madhya Pradesh, Criminal Appeal No. 1167 of 2018;

iii. Suresh Kankra vs. State of U.P. & Another, Criminal Appeal No. 52 of 2022.

6. Per contra, learned A.G.A. for the State opposed the prayer for bail and submitted that allegation against the revisionist is of misbehavior and is stalking a judicial officer, who was posted in that district, where he was practicing but he could not dispute the fact that revisionist has undergone half of the maximum sentence awarded in the impugned order.

7. Considering the rival submissions made by the parties and nature of offence and the quantum of punishment awarded and the fact that revisionist is in jail since 11.7.2023 and the revision is not likely to be decided early, due to pendency of backlog cases and without further commenting on the merits of the case this Court deems it fit to enlarge the accused-revisionist on bail during the pendency of this revision.

8. Let appellant, ***Mohd Haroon***, convicted and sentenced in the above case be released on bail on furnishing a personal bond in the

sum of Rs. 50,000/- (Fifty Thousand) and two sureties each in the like amount to the satisfaction of the court concerned, subject to following conditions:-

i. The revisionist shall not tamper the first informant in any manner either physical or electronic means during investigation or trial.

ii. The revisionist shall cooperate in the trial sincerely without seeking any adjournment.

iii. The revisionist shall not indulge in any criminal activity or commission of any crime after being released on bail.

4. Half of the fine imposed shall be deposited within one month after release and remaining fine shall remain stayed, and in case of failure in depositing the amount of fine within the stipulated period, the trial court will take coercive action against the revisionist.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. Let this revision be listed for final hearing in its due course as lower court record has been obtained.

Order Date :- 12.11.2024

SY