

of ₹ 50,000/- (Rupees fifty thousand) only and for which, an appeal has been filed before this Court against the said judgment and order.

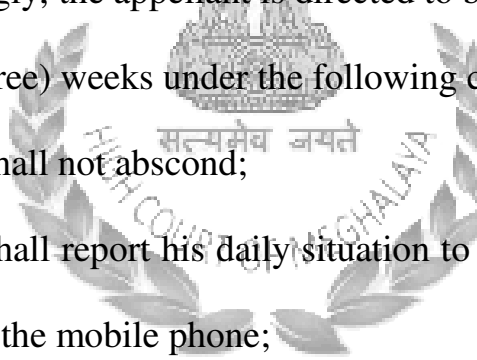
2. In the meantime, the appellant has approached this Court with this instant application, seeking suspension of the order of sentence during the pendency of the appeal, on the ground that he has three minor children aged about 8 years old daughter, 5 years old son and 5 months' old daughter respectively. The youngest daughter of 5 months' old is ailing and requires medical attention, for which the appellant being the only earning member of the family is required to be present. On this limited ground, prayer has been made for grant of suspension of the said order of sentence.

3. Mr. R. Gurung, learned GA appearing on behalf of the State respondent, has opposed the prayer made in this application, mainly on the ground that the offence involved is serious and that the appellant having been convicted, therefore, there is no question of his innocence being maintained as is the case in course of the trial. In such a situation, the burden is placed upon the appellant to show from the record that he has a fair chance of being acquitted in the case, which is not the case here.

4. This Court has given due consideration to the submission made and is in agreement with the learned GA as far as the case of suspension

of the order of sentence is concerned, particularly with regard to an offence under Section 376 IPC. The offence being grave and serious in nature, the same cannot be considered until the matter has been heard in its entirety. However, given the submission of the learned counsel for the appellant that the 5 months' old daughter is urgently required for her medical treatment, this Court applying its discretionary power would allow the prayer made, albeit, in a limited sense, inasmuch as, the complete suspension of the order of sentence will not be allowed, but suitable concession in this regard can be allowed.

5. Accordingly, the appellant is directed to be released temporarily for a period of 3(three) weeks under the following conditions that:

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- i) He shall not abscond;
 - ii) He shall report his daily situation to the jail authority even over the mobile phone;
 - iii) He shall also bind himself on a personal bond of ₹ 1,00,000/- (Rupees one lakh) only with one surety of like amount to the satisfaction of the Superintendent Jail;
 - iv) After the period of 3(three) weeks from the date of his actual release, he shall report back to the jail authority for continuation of the sentence so imposed.

6. With the above noted directions, CrI.M.C. No. 42 of 2023 is

accordingly disposed of.

7. Let copy of this order be issued upon the Superintendent District Jail, West Jaintia Hills District, Jowai for due compliance.

Judge

Meghalaya
29.05.2023
"D. Nary, PS"

