

Crl.A.No.147 of 2016

A.D.JAGADISH CHANDIRA J.,

The matter is listed today under the caption “for being mentioned”.

2.Learned counsel appearing for the petitioner would submit due to a wrong submission made, a clerical error has been crept in the order passed in Crl.A.No.147 of 2016 dated 28.04.2021 with regard to the period of incarceration suffered by the Appellant. The appellant was in custody from the date of conviction and not from the date of arrest. He would submit that the appellant was initially granted statutory bail and thereafter, after conviction he is in custody and he has not been granted suspension of sentence pending appeal and would accordingly pray for appropriate orders.

3.In view of the above, the paragraph No.13 of the order dated 28.04.2021 to be read as follows:

“13.At this juncture, learned counsel for the appellant would submit that the evidence of the victim and her mother are not trustworthy and that they lack credence. He would further submit that it is a case

A.D.JAGADISH CHANDIRA, J.

kas

foisted for the purpose of separating two youngsters who belong to different communities and the appellant right from the date of conviction is in custody and he has not been granted Suspension of sentence pending appeal and that he had already undergone sentence for a period of five (5) years and seven (7) months and in the event of Court not allowing the appeal, taking into consideration the fact that the age of the victim has not been proved and thereby the offences under the provisions of the POCSO Act, 2012 having been not proved would seek for a lesser sentence. “

4.Registry is directed to carry out the necessary correction and issue a fresh order copy.

kas

Note: Issue order copy today.

Crl.A.No.147 of 2016