

4. Learned advocate for appellant submitted that sentence is of short term. The appeal may not come up for hearing immediately. The applicant has good case on merits.

5. Learned APP submitted that applicant has been convicted for offence u/s.354 of IPC and sentenced to suffer rigorous imprisonment for six months.

6. Learned advocate for respondent no.2 submitted that there is sufficient evidence against appellant and Trial Court has considered the same. There is no infirmity in the judgment of Trial Court. The applicant was granted interim relief vide order dated 27th September 2021. The interim relief was not continued and therefore there was default on the part of applicant to get it extended. Hence sentence of imprisonment may not be suspended.

7. It is noted that the applicant has been sentenced to imprisonment for a period of six months. The applicant was on bail during trial. The sentence was suspended on the date of conviction and subsequently by order dated 27th September 2021 interim relief was granted to the applicant. Although interim relief was in operation till 29th October 2021, the matter was listed on 28th October 2021 and it was adjourned to 18th November 2021. Apparently interim relief was not continued on 28th October 2021, however, vide order dated 18th November 2021 and 9th December 2021, the interim relief was continued till next date.

8. Considering the circumstances, this application can be allowed.

ORDER

- (i) Interim Application No.754 of 2020 is allowed and disposed off;
- (ii) Interim relief granted by this Court vide order dated 27th September 2021 shall continue till final disposal of Criminal Appeal No.199 of 2020;
- (iii) The applicant shall attend Trial Court once in six months on first Saturday between 11 to 1 till final disposal of Appeal;
- (iv) In the event of two consecutive defaults by applicant in attending Trial Court, report be forwarded by the Trial Court to this Court;
- (v) If applicant commits two consecutive defaults in attending Trial Court, the prosecution will be at liberty to make application for cancellation of bail.

(PRAKASH D. NAIK, J.)

MST