

HIGH COURT OF MADHYA PRADESH: JABALPUR

No.

A14422
III-6-5/2010

Jabalpur, dated 8./10/2025

To,

The Principal District and Sessions Judges,
All in the State

Subject:- Compliance of directions of Hon'ble High Court of Madhya Pradesh order dated 23.09.2025 passed in Cr.A. No. 2287/2024 in the case of Babbal @ Jitendra Yadav vs. The State of Madhya Pradesh.

Sir/Madam,

Please find enclosed herewith a copy of the Order passed by Honourable High Court of Madhya Pradesh dated 23.09.2025 in Cr.A. No. 2287/2024 in the case of "Babbal @ Jitendra Yadav vs. The State of Madhya Pradesh", wherein Hon'ble Court has been pleased to direct as under:-

"Registrar General is requested to advise all the Courts in Madhya Pradesh dealing with the criminal matters to take precaution in future for maintaining the privacy of the victim or the parties to the lis by not sending the private photographs or any other private information other than in a sealed cover."

As directed, I request you to bring the same into the knowledge of all the Judicial Officers under your kind control for information, compliance and necessary action.

Encl:- as above.


08/10/25

MUKESH RAWAT

REGISTRAR District Establishment

Jabalpur, dated 8./10/2025

Endt. No. A14422
III-6-5/2010

Copy forwarded to:-

1. The Principal Registrar (J)/Registrar (J-II).
2. Director, Madhya Pradesh State Judicial Academy, Jabalpur.

For information and appropriate action.


08/10/25

MUKESH RAWAT

REGISTRAR District Establishment

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR
CRA No. 2287 of 2024
(BABBAL @ JITENDRA YADAV Vs THE STATE OF MADHYA PRADESH)

Dated : 23-09-2025

Shri Siddharth Datt, learned counsel for the appellant.

*Shri Ajat Tamrakar, learned Public Prosecutor for the
respondent/State.*

Shri Jagtendra Prasad, learned counsel for the complainant.

While hearing arguments of the learned counsel for the parties on I.A. No.4200/2024, which is an application for suspension of sentence, we have gone through the record and on going through the record, we find that Ex.P/32, on which attention of this Court is drawn by Shri Ajay Tamrakar, learned Public Prosecutor, are some photographs of the victim along with the accused or in isolation, but, they are not kept in a sealed cover.

We are of the opinion that such kind of private photographs should have been kept in a sealed cover. Learned trial Court has noted this fact that these photographs were in a sealed cover as can be seen from note below 19 of the cross-examination of the victim (PW-1) inasmuch as it is mentioned that photographs which were in sealed condition, were opened, but, in our opinion, photographs and the photocopies, both, should have been again kept in a sealed cover as they impinged on the personal liberty and privacy of the victim.

Registrar General is requested to advise all the Courts in Madhya Pradesh dealing with the criminal matters to take precaution in future for

maintaining the privacy of the victim or the parties to the lis by not sending the private photographs or any other private information other than in a sealed cover.

Heard on I.A. No.4200/2024, which is first bail application under Section 389(1) of the Cr.P.C. for suspension of sentence and grant of bail to appellant-Babble alias Jitendra Yadav.

The appellant is aggrieved of the judgment dated 23/01/2024 passed by the learned 4th Additional Sessions Judge, & Special Judge (POCSO Act), Narsinghpur (M.P.), in case S.C. No.73/2022, whereby appellant has been convicted and sentenced as under:-

<u>Conviction</u>		<u>Sentence</u>		
<u>Section</u>	<u>Act</u>	<u>Imprisonment</u>	<u>Fine</u>	<u>Imprisonment in lieu of fine</u>
366A	I.P.C.	R.I. for three years	Rs.1,000/-	R.I. for two months
354C	I.P.C.	R.I. for one year	Rs.1,000/-	R.I. two months
5(1)/6 and 5(n)/6	POCSO	R.I. for twenty years	Rs.1,000/-	R.I. two months
11(v)/12	POCSO	R.I. for one year	Rs.1,000/-	R.I. two months
67B(b)	Information Technology Act	R.I. for three years	Rs.3,000/-	R.I. two months
376(2)(n)	I.P.C.	No separate sentence	Nil	Nil
376(2)(f)	IPC	No separate sentence	Nil	Nil

Learned counsel for the appellant submits that victim is a consenting

party. Father of the victim (PW-3) in para-12 admitted that his marriage was performed in the year 2001 and after two years of his marriage, prosecutrix was born. He admitted that another girl child was born in between but she died. Reading this evidence which is corroborated to the evidence of mother of victim (PW-7), it is pointed out that the victim, on the date of incident, was adult. Even if the starting date of incident is treated to be 20/09/2021, then as per her father's admission, since she was born in the year 2003, she was consulting adult, therefore, provisions of POCSO Act may not be attracted. There are good chances of success in appeal. Hence, prayer is made to suspend the remaining jail sentence of the appellant and to release him on bail.

Shri Ajay Tamrakar, learned Public Prosecutor and Shri Jagtendra Prasad, learned counsel for the complainant, support the impugned judgment and oppose the prayer for suspension of sentence.

After hearing learned counsel for the parties and considering the fact that there appears to be good chances of success in appeal, without commenting on merits of the case, this Court is of the opinion that it is a fit case to suspend the remaining part of jail sentence of appellant.

Accordingly, I.A.No.4200/2024 is **allowed**.

It is directed that on depositing of fine amount, if not already deposited and on furnishing personal bond to the tune of Rs.50,000/- (Rupees Fifty Thousand only) each, with two sureties each, in the like amount to the satisfaction of the trial Court for his appearance before the trial Court

24/11/2025 and on all subsequent dates as may be fixed by the concerned Court, the execution of remaining part of the jail sentence of appellant shall remain suspended and he be released on bail till final disposal of this appeal.

C.C. as per rules.

(VIVEK AGARWAL)
JUDGE

(AVANINDRA KUMAR SINGH)
JUDGE