

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 928 of 2018

Ram Lal Yadav **Versus** State Of Chhattisgarh

CRA/931/2018,

10/12/ 19	<u>CRA No.931 of 2018</u> Shri Rakesh Kumar Jha, counsel for the appellant with Smt. Ramkali widow mother of appellant Shivnarayan Yadav. Shri N.K. Mehta, P.L. for the State. Heard on <u>I.A. No.1/19</u> This is an application for modification in the order dated 03.12.2019 passed in these appeals allowing the prayer for suspension of sentence and release of the appellants on bail. In course of argument, it is informed that pursuant to the said order two other appellants namely Ram Lal Yadav and Bablu @ Tuleshwar Yadav have been released on bail by the trial Court but the appellant of CRA No.931 of 2018 Shivnarayan Yadav has not been released by the trial Court on the ground that name of the appellants and the Sessions Trial Number is not mentioned in the order passed by this Court. It is also informed that when appellant Shivnarayan Yadav produced the certified copy of the order and tried to furnish bail papers, the learned Presiding Officer returned the certified copy by saying that he should first get it corrected from the High Court and then furnish the bail papers. On 03.12.2019, we have passed a common order for both the appeals and name of the appellants or the Sessions

Trial Number is not mentioned for either of the appeals, therefore, it is difficult to comprehend as to how the learned trial Court has released the two appellants but has refused to release the present appellant Shivnarayan Yadav.

Let an explanation be called from Shri Alok Kumar, the Presiding Officer as to why different treatment was given to the accused in the same case and appellant Shivnarayan Yadav was not released.

It is made clear that, if we are not satisfied with the explanation, we may direct initiation of departmental inquiry against the Presiding Officer.

Copy of this order calling for the explanation from the Presiding Officer be sent by tomorrow. His explanation should reach this Court by 16th December, 2019.

Post these matters on 17th December, 2019.

To facilitate the release of appellant Shivnaryan Yadav, it is made clear that the bail order has been passed in respect of the judgment dated 14.05.2018 passed by the Special Judge, Sarguja (Ambikapur) in Special Sessions (Atrocities) Case No.26/2016 whereby each of the appellants stands convicted and sentenced as under:-

Conviction	Sentence
Under Section 376(d) of IPC	Life imprisonment i.e. imprisonment till rest of his natural lifetime and fine of Rs.5,000/-, in default of payment of fine additional R.I. for year.
Under Section 376(a) of IPC	Life imprisonment i.e. imprisonment till rest of his natural lifetime.
Under Section 302/34 of IPC	Life imprisonment and fine of

		Rs.5,000/- in default of payment of fine additional R.I. for one year.
	Under Section 201 of IPC	R.I. for five years and fine of Rs.2,500/-, in default of payment of fine additional R.I. for six months.
	(All sentences were directed to run concurrently) Certified Copy today itself. Sd/- Prashant Kumar Mishra Judge Sd/- Gautam Chourdiya Judge	
Akhilesh		