

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No. 16 of 2022

Kishun Tudu @ Kishun Kr. Tudu, aged about 30 years, son of Late Meghrai Tudu, resident of Panchanangora, P.S. Gunabanda, District- East Singhbhum
... **Appellant**

-Versus-

The State of Jharkhand

... **Respondent**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellant : Mr. Pran Pranay, Advocate
For the State : Ms. Sharda Kumari, A.C. to P.P.

05/26.09.2024 **I.A. No. 9952 of 2024**

Heard Mr. Pran Pranay, learned counsel appearing for the appellant and Ms. Sharda Kumari, learned counsel appearing for the State.

2. This appeal has already been admitted vide order dated 07.06.2022 and by that order, L.C.R. was called for, which is on the record.

3. I.A. No. 9952 of 2024 has been filed for suspension of sentence, during pendency of the instant criminal appeal.

4. This appeal has been filed against the judgment of conviction dated 08.09.2021 and order of sentence dated 09.09.2021 passed by the learned Additional Sessions Judge II, Ghatshila, East Singhbhum in Sessions Trial No.12/2020 (arising out of Gurabanda P.S. Case No.24/2019 corresponding to G.R. No.239/2019) by which the appellant has been convicted for the offence under Section 307 of the Indian Penal Code and sentenced to undergo R.I. for 7 years and fine of Rs.5,000/- and in default of payment of fine, further undergo S.I. of three months.

5. Learned counsel appearing for the appellant submits that the appellant is in judicial custody since 17.09.2019 and he has remained in

custody for more than 5 years. He submits that in view of that, sentence may kindly be suspended.

6. Learned counsel appearing for the State opposed the prayer on the ground that the allegations are there and the appellant is convicted under Section 307 of the Indian Penal Code.

7. Considering that the appellant has remained in custody for more than 5 years and there is no likelihood of taking up of this appeal shortly, I am inclined to suspend the sentence and enlarge him on bail on his furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Ghatshila, East Singhbhum in connection with S.T. Case No.12/2020, arising out of Gurabanda P.S. Case No.24/2019, corresponding to G.R. Case No.239/2019.

8. Accordingly, I.A. No.9952 of 2024 is allowed and disposed of.

(Sanjay Kumar Dwivedi, J.)

Ajay/