

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J) No. 33 of 2019

Parimal Bouri @ Parimal Bauri

..... Appellant

Versus

The State of Jharkhand

..... Respondent

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant:

Mr. Pranabesh Kr. Paul

For the State:

Mr. V. K. Gupta, A.P.P

04/16.05.2019

I.A. No. 405/2019

The present interlocutory application has been filed on behalf of the appellant under Section 389(1) of the Cr.P.C for suspension of sentence awarded to the appellant by the learned Trial Court during the pendency of the present appeal.

Learned counsel for the appellant submits that the appellant has been erroneously convicted by the learned Trial Court without appreciating the materials available on record in true perspective. Learned Trial Court failed to appreciate the fact that the victim (P.W.5) clearly deposed in the trial that she had voluntarily gone out with the appellant. She had first gone to Rajnagar and from there to Durgapur (West Bengal) and she performed marriage with the appellant. She also admitted in her cross-examination that the appellant is her co-villager and in the night of the alleged occurrence, she had gone to his house during the time when her parents were sleeping and thereafter both of them had left for Rajnagar. It is further submitted that the prime reason for conviction of the appellant is that the victim was minor at the time of the alleged occurrence. However, considering the fact that there was love affair between the appellant and the victim, the sentence awarded to the appellant by the learned Trial Court may be suspended.

Learned A.P.P opposed the appellant's prayer for suspension of sentence.

Having heard learned counsel for the parties and on perusal of the L.C.R, the execution of the sentence awarded to the appellant by the learned Trial Court shall remain suspended during the pendency of the present appeal.

Accordingly, the above named appellant is directed to be released on bail, during the pendency of the present appeal, on furnishing bail-bond of Rs.20,000/- (twenty thousand only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Jamtara in connection with Special POCSO Case No. 12/2017.

The present interlocutory application stands disposed of.

Satish/-

(RAJESH SHANKAR, J)