

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.Appeal (S.J.) no. 86 of 2019

Lal Mohan Kachhap	...Appellant
-V e r s u s-	
The State of Jharkhand	... Respondent

CORAM: - HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant:- Mr. Mohit Prakash, Advocate

For the State :- Mr. G.S. Prasad, A.P.P.

05/17.05.2019

I.A. No. 4660 of 2019

The present interlocutory application has been filed on behalf of the appellant under Section 389(1) of Cr.P.C. for suspension of sentence awarded to the appellant vide order dated 19.01.2019 passed by the learned Trial Court and his release on bail during pendency of the present appeal.

Learned counsel for the appellant submits that the appellant has erroneously been convicted by the learned Trial Court under Sections 25(1-A) and Section 26(2) of the Arms Act without appreciating the materials on record in true perspective. It is further submitted that there is alleged recovery of one country made pistol along with four live cartridges from the possession of the petitioner, however the seizure list witnesses who are the police officials, have not even been examined in the trial. The appellant has remained in judicial custody for about 11 months out of maximum sentence of 5 years awarded to him and as such, the sentence awarded to him by the learned Trial Court may be suspended during pendency of the present appeal.

The learned A.P.P. opposes the appellant's prayer for suspension of sentence and his release on bail.

Having heard the learned counsel for the parties, on perusal of the L.C.R., the execution of sentence dated 19.01.2019 awarded to the appellant shall remain suspended during pendency of the present appeal.

Accordingly, the appellant, above named, is directed to be released on bail during pendency of the present appeal on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Simdega in connection with Sessions Trial No. 122 of 2018.

I.A. No. 4660 of 2019 stands disposed of.

(Rajesh Shankar, J.)

Ritesh