

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J) No. 131 of 2019

Dr. Pankaj Kumar Singh

..... Appellant

Versus

The State of Jharkhand

..... Respondent

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant:

Mr. R. S. Mazumdar, Sr. Adv.

For the State:

Mr. P. K. Appu, A.P.P

For the Informant:

Mr. Jitendra Shankar Singh

04/04.04.2019

I.A. No. 2325/2019

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 Sr. counsel for the appellant submits that the appellant has been erroneously convicted under Section 306 IPC by the learned Trial Court without appreciating the evidence in true perspective. The learned Trial Court failed to appreciate the fact that the deceased was suffering from brain tumor and her mental health was not good. The appellant got her treated at different hospitals. P.W.1-Samir Kumar-informant of the case has admitted in his cross-examination that the appellant helped him to break open the door and to get the dead body of the deceased down. No complain was ever made to the police regarding any torture being committed by the appellant prior to the alleged occurrence. P.W.11-Khusi Singh (nine-year-old daughter of the appellant) in her cross-examination has accepted the fact that prior to the alleged occurrence, her parents had visited several tourist/religious places such as Manali and Vaishno Devi which shows that there was cordinal relationship between the appellant and the deceased. The appellant has remained in judicial custody for about eight months out of the sentence of five years awarded to him by the learned Trial Court. The children of the appellant P.W.11-Khusi Singh and P.W.12-Arman Pratap Singh are the students and their academic career is in

jeopardy as the appellant is in judicial custody. As such, the sentence awarded to the appellant may be suspended.

Mr. Jitendra Shankar Singh, learned counsel for the informant, as well as learned A.P.P while opposing the appellant's prayer for suspension of sentence, submits that all the prosecution witnesses including the informant (P.W.1), the daughter of the appellant (P.W.11) as well as one neighbour of the appellant (P.W.2) have fully supported the case of the prosecution by which it has been established that the appellant used to torture the deceased regularly and on the date of the alleged occurrence also, a quarrel between the appellant and the deceased had taken place. As such, the sentence awarded to the appellant may not be suspended.

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 Additional Judicial Commissioner-X, Ranchi in connection with S. T. No. 899/2013, subject to the condition that the appellant shall get the fixed deposits of Rs.3,00,000/- done in the names of his each of the children (i.e. Khusi Singh and Arman Pratap Singh) at least for a period of five years in any nationalized bank within two months from the date of his release from the judicial custody. If the appellant fails to comply the said condition, the informant will be at liberty to bring the said fact to this Court by filing an appropriate application. The informant shall also co-operate in getting the said fixed deposits done by the appellant in the names of the aforesaid children properly.

The present interlocutory application stands disposed of.