

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.Appeal (DB)No. 281 of 1999R
with
Cr.Apepal(DB) Nos. 180, 102,158,159,136 & 269 of 1999R.

1. Manjhi Sumbrui
2. Bijay Sumbrui
3. Turi Sumbrui
4. Hajura Sumbrui Appellants (Cr.Appeal No.281/1999R)

Chara Hessa Appellant (Cr.Appeal No.180/1999)
Dildar Sundi (Appellant (Cr.Appeal No.102/1999R)

1. Nauru Sundi
2. Chhota @ Vijay Sundi
3. Bagun Sundi
4. Bhagwan Sundi
5. Chamak Lal Sundi
6. Bishkishan Sundi
7. Pradhan Sundi
8. Chogo Sundi
9. Ganga Sundi
10. Bagun Sundi @ Mutu Sundi
11. Daso Sundi
12. Babulal Sundi
13. Damu SundiAppellants (Cr.Appeal No.158/1999R)

1. Behra Purty
2. Anand SundiAppellants (Cr.Appeal No.159/1999R)

Ramesh SundiAppellants (Cr.Appeal No.136/1999R)

1. Ram Singh Sundi
2. Lal Singh Dundi
3. Dubraj Purty
4. Barju Sundi
5. Nara PurtyAppellants (Cr.Appeal No.269/1999R)

-Versus-

State of Bihar(now Jharkhand) Respondent (in all cases)

CORAM : HON'BLE MR.JUSTICE VIRENDER SINGH, CHIEF JUSTICE
HON'BLE MR.JUSTICE D.N. UPADHYAY

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For the Appellants : M/s Vishal Kumar Tiwary & Pravin
Kumar, Advocates

For the State : M/s Pankaj Kumar, Amresh Kumar,
Shekhar Sinha, Awnish Shankar &
Hemant Shikarwar, APPs.

Order no.16 / Dated 3rd July, 2015
Per Virender Singh, C.J.

1. It appears that out of the thirty three accused who faced the trial, three accused, namely, Laxman Sumbrui, Lakho Soy

2.

and Sidiu Sumbrui earned acquittal. State has not preferred any appeal against the acquittal earned by them. The remaining thirty accused filed their separate seven appeals viz. Criminal Appeal Nos. 102 of 1999R, 136 of 1999R, 158 of 1999R, 159 of 1999R, 180 of 1999R, 269 of 1999R and 281 of 1999R. All the appeals were dismissed by this Court vide judgment dated 16th June 2011, aggrieved thereof some of the appellants filed two separate S.L.Ps(CRL) which were disposed of by Hon'ble Supreme Court vide order dated 12th August, 2013 setting aside the judgment of this Court and remanded the matter to this Court for hearing the criminal appeals on their own merits.

2. We have been informed by Mr.Vishal Kumar Tiwary, learned counsel appearing for ten of the appellants, namely, Hazura Sumbrui, Turi Sumbrui, Anand Sundi, Choko Sundi, Pradhan Sundi, Lal Singh Sundi, Bagun Sundi, Bijay Sumbrui, Babulal Sundi and Chhota @ Bijay Sundi that after dismissal of the appeals by this Court, they had surrendered before the trial court and are now in custody. Detailed report of the Superintendent, Central Jail, Ghaghidih, Jamshedpur submitted by State counsel to that effect is as follows :

Name of the accused	Period of custody	Years	Months	Days
Hazura Sumbrui	(I) Undertrial- 26.2.1997 to 19.4.1999 (ii)Conviction-20.04.1999 to 02.5.1999 (iii)Conviction-24.8.2011 to 26.6.2015 Actual period in jail -	06	-	09
Turi Sumbrui	(I) Undertrial- 28.2.1997 to 19.4.1999 (ii)Conviction-20.04.1999 to 02.5.1999 (iii)Conviction-24.8.2011 to 26.6.2015 Actual period in jail -	06	-	07
Anand Sundi	(I) Undertrial- 3.3.1997 to 19.4.1999 (ii)Conviction-20.04.1999 to 02.5.1999 (iii)Conviction-14.11.2011to 26.6.2015 Actual period in jail -	05	09	12
Choko Sundi	(I) Undertrial- 3.3.1997 to 19.4.1999 (ii)Conviction-20.04.1999 to 02.5.1999 (iii)Conviction-14.11.2011to 26.6.2015 Actual period in jail -	05	09	12
Pradhan Sundi	(I) Undertrial- 27.2.1997 to 19.4.1999 (ii)Conviction-20.04.1999 to 02.5.1999 (iii)Conviction-14.11.2011to 26.6.2015 Actual period in jail -	05	09	18

Lal Singh Sundi	(I) Undertrial- 26.2.1997 to 19.4.1999 (ii)Conviction-20.04.1999 to 02.5.1999 (iii)Conviction-24.8.2011 to 26.6.2015 Actual period in jail -	06		09
Bagun Sundi @ Motu Sundi	(I) Undertrial- 3.3.1997 to 19.4.1999 (ii)Conviction-20.04.1999 to 02.5.1999 (iii)Conviction-14.11.2011to 26.6.2015 Actual period in jail -	05	09	12
Bijay Sumbrui	(I) Undertrial- 28.2.1997 to 19.4.1999 (ii)Conviction-20.04.1999 to 02.5.1999 (iii)Conviction-24.8.2011 to 26.6.2015 Actual period in jail -	06		07
Babulal Sundi @ Dangur	(I) Undertrial- 3.3.1997 to 19.4.1999 (ii)Conviction-20.04.1999 to 02.5.1999 (iii)Conviction-14.11.2011to 26.6.2015 Actual period in jail -	05	09	12
Chhota @ Bijay Sundi	(I) Undertrial- 3.3.1997 to 19.4.1999 (ii)Conviction-20.04.1999 to 02.5.1999 (iii)Conviction-14.11.2011to 26.6.2015 Actual period in jail -	05	09	12

3. It is worth mentioning here that during pendency of the appeals, three of the appellants, namely, Turam Gope, Nar Singh Sundi and Raro Purti died. The appeals qua them stand abated.
4. After dismissal of appeals, the trial court record in original was remitted to the court concerned/successor court for compliance of the judgment.
5. Let complete status report of the convicts be called for from the convicting/successor court within two weeks time.
6. List all the appeals as and when the Bench is available.

(Virender Singh, C.J.)

(D.N. Upadhyay, J.)