

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No. 1067 of 2025
With
I.A. No. 7271 of 2025

Kishore Sahu, aged about 62 years, son of Late Loya Sahu, resident of Khambhiya Kumba Toli, P.O. Arangi & P.S.-Ghaghra, District-Gumla.

... .. Appellant

Versus

The State of Jharkhand

... .. Respondent

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. A.K. Kashyap, Sr. Advocate
For the Respondent : Mrs. Kumari Rashmi, A.P.P.

06/Dated: 09th October, 2025

I.A. No. 7271 of 2025:

1. The instant interlocutory application has been filed under Section 34(2) of Prevention of Terrorism Act, 2002 for suspension of sentence in connection with the Judgment of conviction dated 12.02.2025 and order of sentence dated 17.02.2025 passed by the learned Special Judge, Ranchi in Special Case No. 21 of 2002(P) in connection with Ghaghra P.S. Case No. 07 of 2002, whereby and whereunder, the appellant has been convicted and sentenced to undergo rigorous imprisonment for seven years alongwith fine of Rs. 50,000/- for the offence under section 3(4) of Prevention of Terrorism Act, 2002 and in default of payment of fine, the appellant shall have to undergo an additional rigorous imprisonment of seven months; the appellant has further been sentenced to undergo rigorous imprisonment for seven years alongwith fine of Rs. 50,000/- for the offence under section 3(5) of Prevention of Terrorism Act, 2002 and in default of payment of fine, the appellant shall have to undergo an rigorous imprisonment of seven months; the appellant has further been sentenced to undergo rigorous imprisonment for seven years alongwith fine of Rs. 50,000/- for the offence under section 20(2) of Prevention of Terrorism Act, 2002 and in default of payment of fine,

the appellant shall have to undergo an additional rigorous imprisonment of seven months; the appellant has further been sentenced to undergo rigorous imprisonment for two years alongwith fine of Rs. 20,000/- for the offence under section 25(1-B)a of Arms Act and in default of payment of fine, the appellant shall have to undergo an additional rigorous imprisonment of two months and; the appellant has further been sentenced to undergo rigorous imprisonment for two years alongwith fine of Rs. 20,000/- for the offence under section 26(1) of Arms Act and in default of payment of fine, the appellant shall have to undergo an additional rigorous imprisonment of two months.

2. It has been contended by Mr. A.K. Kashyap, learned senior counsel for the appellant that it is a case where no ingredient has come in course of trial establishing that the appellant is a member of MCC (a banned organization) so as to attract the offence of Section 3 of the Prevention of Terrorism Act, 2002.
3. It has been contended that even the confessional statement has not properly been proved as required to be proved under Section 32 of the Act, 2002.
4. It has been submitted that even accepting that the arms have been recovered from the house of the appellant but for the aforesaid offence, the punishment of two years has been imposed which has already been undergone since the appellant has already undergone the sentence of about 26 months against the maximum punishment of seven years.
5. It has also been contended that the appellant is having no criminal antecedent.
6. Learned senior counsel for the appellant, on the aforesaid ground, has submitted that it is a fit case for suspension of sentence during pendency of the appeal.
7. While on the other hand, learned Additional Public Prosecutor appearing for the respondent-State has vehemently opposed the prayer for suspension of sentence.

8. It has been contended that the arms have been recovered from the house of the appellant. It has also been submitted by referring to the testimony of P.W.-10 who has deposed that the appellant is a member of banned organization, Moist Communist Centre.
9. Learned Additional Public Prosecutor, based upon the aforesaid ground, has submitted that since the nature of crime is serious and the material has come establishing the guilt, hence, it is not a case for suspension of sentence.
10. We have heard the learned counsel for the parties and gone through the finding recorded by the learned trial court in the impugned judgment as also the trial court record.
11. The appellant has been convicted for commission of offence under Section 3(4), 3(5) and 20(2) of the Prevention of Terrorism Act, 2002 for which the sentence of seven years has been imposed and so far as the arms act is concerned, the sentence of two years has been imposed.
12. This Court on consideration of the fact that against the maximum punishment inflicted of seven years, the appellant has already undergone sentence of 26 months and moreover, it is not referred in the impugned judgment that the appellant is having criminal antecedent.
13. This Court, in view thereof, is of the view that the present interlocutory application deserves to be allowed.
14. Accordingly, the instant Interlocutory Application stands allowed.
15. In view thereof, the appellant named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Ranchi in connection with Special Case No. 21 of 2002 (P) arising out of Ghaghra P.S. Case No. 07 of 2002 subject to the condition that the appellant will not repeat such offence and if it comes to the notice of the State, the

State is at liberty to make application for cancellation of bail of the appellant.

16. It is made clear that any observation made hereinabove will not prejudice the case of the parties on merit since the appeal is lying pending for its consideration.

(Sujit Narayan Prasad, J.)

(Rajesh Kumar, J.)

Saurabh/Samarth/-

Uploaded on: 9th October, 2025