

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J) No. 304 of 2019

Mane Kharia

..... Appellant

Versus

The State of Jharkhand

..... Respondent

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant:

Md. Zaid Ahmed

For the State:

Mr. R. Vardhan, A.P.P

02/02.05.2019

I.A. No. 2823/2019

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 under Sections 323/324/341 IPC by the learned Trial Court without appreciating the evidence in true perspective. It is further submitted that the appellant was initially remanded in the present case on 07.05.2014 and thereafter he was released on bail on 07.03.2015. However, his bail bond was subsequently cancelled and he surrendered before the learned Court below on 15.01.2019 and since then he is in judicial custody. It would be thus evident that the appellant has remained in judicial custody for more than a year out of the maximum sentence of three years awarded to him by the learned Trial Court. As such, the sentence awarded to the appellant by the learned Trial Court may be suspended.

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

Having heard learned counsel for the parties and considering the fact that the appellant has remained in judicial custody for more than a year out of the maximum sentence of three years awarded to him by the learned Trial Court, 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 Sessions Judge, Simdega in connection with S.T. No. 145/2014.

The present interlocutory application stands disposed of.

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Admit.

Issue notice.

Mr. R. Vardhan, learned A.P.P, appears and waives notice on behalf of the State of Jharkhand.

Call for the L.C.R.

Satish/-

(RAJESH SHANKAR, J)