

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J.) No. 325 of 2019

Kameshwar Ganjhu @ Gudduwa Ganjhu Appellant

Versus

The State of Jharkhand Respondent

CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH

For the Appellant : Mr. Arun Kumar, Adv.
For the Respondent : APP

03/Dated: 26.06.2019

I.A. No.2968 of 2019

This interlocutory application has been filed on behalf of the appellant under Sections 389 (1) of the Cr.P.C. for suspension of sentence, in connection with the judgment of conviction and order of sentence dated 27.02.2019, passed by learned Additional Sessions Judge-XII, Hazaribagh, in S.T. No.275/2018, whereby and whereunder the appellant has been convicted for the offences under Sections 25(1-B)a/26 of the Arms Act and sentenced him to undergo R.I. for 3 years for the offence under Section 25(1-B)a of the Arms Act and to pay a fine of Rs.10,000/- and further sentenced him to undergo R.I. for 4 years for the offence under Section 26 of the Arms Act and to pay fine of Rs.10,000/- and in default of payment of fine he will further undergo S.I. for three months. All the sentences shall run concurrently.

The present appeal has been admitted vide order dated 02.05.2019 and LCR was called for, which has been received in Original and kept on record.

Learned counsel for the appellant has submitted that the appellant is in judicial custody more than one year and not a single independent witnesses has been examined by the prosecution to prove the case against the appellant and all the witnesses are police personnel. It is further submitted that the seizure witness is also police personnel.

Considering the period of custody of the appellant, I, hereby, suspend the sentence of the appellant awarded by the learned Additional Sessions Judge-XII,

Hazaribagh, in S.T. No.275/2018. During pendency of this criminal appeal, the above named appellant is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XII, Hazaribagh, in S.T. No.275/2018, arising out of Muffasil P.S. Case No.61/16, corresponding to G.R.No.1210/16, subject to the condition that the appellant shall deposit half of the fine amount within four weeks.

Further, appellant shall deposit Rs.1500/- by way of cost in the account of **Bandi Kalyan Kosh being A/c No.490710210000007, IFSC Code:- BKID0004907, Bank of India, Booty More Branch** and will submit a receipt of the same before the court below at the time of furnishing bail bonds.

Let a copy of this order be sent to the court below and Superintendent, Birsa Munda Central Jail, Hotwar, Ranchi through "FAX" and also be handed over to the learned counsel for the appellant as well as learned counsel for the State.

Accordingly, I.A. No. 2968/2019, is hereby allowed.

(Anant Bijay Singh, J.)

Fahim/