

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (DB) No. 322 of 2020

1. Mahesh Prasad				
2. Sakunti Devi	...	...	...	Appellants
	Versus			
The State of Jharkhand	...	...		Respondent

CORAM: HON'BLE MR. JUSTICE APARESH KUMAR SINGH
HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellants	: Mr. Somitra Baroi, Advocate
For the respondent	: Mr. Anup Pawan Topno, A.P.P.

06/16.09.2022

Heard Mr. Somitra Baroi, learned counsel for the appellants and learned A.P.P. Mr. Anup Pawan Topno on the renewed prayer for suspension of sentence of appellant No. 2 made through I.A. No. 3879 of 2022. Earlier the prayer for suspension of sentence of the appellant No. 2 was rejected vide order dated 23.06.2021 while granting bail to the appellant No. 1 namely Mahesh Prasad.

2. Learned counsel for the appellant has submitted that the statement of the informant P.W. 9 based upon the statement of father of the appellant No. 1 Lalji Sao has been made the basis for rejection of the prayer for suspension of sentence of the appellant No. 2 on the previous occasion. The father of the appellant No. 1 did not have any occasion to suggest that his son and husband of the deceased and this appellant No. 2 were in illicit relationship and that is why they killed the victim as Lalji Sao was residing about 4 Km. away from the place of occurrence. The appellant No. 2 being a lady has remained in custody since 27.01.2020 i.e. date of conviction and prior to that about 5 months during trial i.e. about three years by now. Therefore, she may be allowed to be privilege of suspension of sentence.
3. Learned counsel for the state has opposed the prayer. He submits that the prayer of the appellant No. 2 was rejected on merits after due consideration of the materials available on record. She has not undergone sufficient sentence therefore no fresh grounds have been made out for grant of bail.
4. Having considered the submission of learned counsel for the

parties, the grounds urged in support of the renewed prayer for suspension of sentence and the period of custody also claimed by the appellant No. 2, we do not find any fresh grounds made out for suspending the sentence in favour of appellant No. 2, as the prayer has earlier been rejected on merits after due consideration of the materials on lower court records and the period of custody is also about 3 years only.

5. Accordingly, I.A. No. 3879 of 2022 is rejected at this stage.

(Aparesh Kumar Singh, J.)

(Anubha Rawat Choudhary, J.)

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