

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J) No. 345 of 2019

Ram Prasad Birhor

..... Appellant

Versus

The State of Jharkhand

..... Respondent

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant:

Mr. N. K. Chatterjee

For the State:

Mr. Rakesh Kumar, A.P.P

04/09.05.2019

I.A. No. 3090/2019

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, at the outset, submits that the appellant is in judicial custody since 15.12.2016 out of the maximum sentence of three years awarded to him by the learned Trial Court. Thus, the appellant has already undergone more than two years and five months out of the said sentence. Considering the said fact, the sentence awarded to the appellant by the learned Trial Court may be suspended.

Having heard learned counsel for the parties and considering the fact that the appellant has already undergone the sentence of about two years and five months out of the maximum sentence of three years, 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 Special Judge, POCSO, Ranchi in connection with POCSO Case No. 16/2017.

The present interlocutory application stands disposed of.

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Admit.

Issue notice.

Mr. Rakesh Kumar, 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)