

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 355 of 2019

Mithlesh Thakur @ Mithun Thakur @ Mitiesh Thakur
..... Appellant

Versus

The State of Jharkhand
.... Respondent

CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH

For the Appellant : Mr. Varun Prabhakar, Adv.
For the Respondent : APP

08/Dated: 03.09.2019

I.A. No.3602 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 dated 21.01.2019 and order of sentence dated 21.02.2019, passed by learned Additional Sessions Judge-1-cum-Children Court, Chatra, in Child Act Case No.07/2017, arising out of Pathalgadda P.S. Case No.22/17, corresponding to G.R. No.985/17, whereby and whereunder the appellant has been convicted and sentenced to undergo R.I. for 07 years and fine of Rs.20,000/- and in default of payment of fine he is directed to further undergo S.I. for two months for the offence under Section 4 and 8 of the POCSO Act read with Section 376 of the IPC.

It appears that appeal has been filed on 29.03.2019 and admitted vide order dated 24.06.2019 and LCR was called for, which has been received in Original.

Learned counsel for the appellant while pressing the I.A. has submitted that the appellant is in custody since 21.01.2019 and the victim/informant along with the mother and father have been declared hostile.

On the other hand learned APP has opposed the prayer for suspension of sentence and referred the evidence of P.W.-8, Doctor and medical report marked as Ext.-3 and submitted that the victim is minor and was carrying pregnancy, having 32 to 34 weeks foetus.

In the view of the submission advanced on behalf of the APP, I am not inclined to suspend the sentence of the appellant and prayer for suspension of sentence is hereby rejected and if so advised, appellant may renew his prayer bail after One year from today.

Accordingly, I.A. No.3602 of 2019 is hereby dismissed.

Let a copy of this order be sent to the court concerned through "FAX".

(Anant Bijay Singh, J.)

Fahim/