



IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No. 368 of 2020

1. Kuldeep Oraon
2. Rishi Tirkey
3. Sandeep Tirkey
4. Basant Kacchap
5. Ajay Munda @ Anay Munda
6. Sunil Munda
7. Sunil Oraon --- --- 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: Ms. Aanya, Advocate
For the Respondent: Mr. Bholu Nath Ojha, A. P.P

06 / 23.12.2021 Learned counsel for the appellants submits that delay condonation application vide I.A. No. 6790/2021 has been filed to remove defect no. 2. She submits that running page no. 114 is complete and therefore, defect no. 9(vi) may be ignored. Accordingly, said defect is ignored.

2. Heard learned counsel for the appellants and learned A.P.P on the prayer for condonation of delay of 34 days in preferring the instant Memo of Appeal made through I.A. No. 6790/2021.

3. Learned counsel for the appellants submits that delay is minor and not intentional. After obtaining copy of the impugned judgment, family members of the appellants arranged money to prefer this appeal which has occasioned some delay. Appellants may suffer irreparably if delay is not condoned. They are suffering conviction for life which means remainder period of natural life under section 376(D) and other allied sections of Indian Penal Code.

4. Learned A.P.P does not oppose the prayer.

5. On consideration of the grounds urged and submission of the parties, delay is condoned. I.A. No. 6790/2021 stands disposed of.

6. These appellants along with Rajan Oraon, Naveen Oraon, Ravi Oraon and Rohit Oraon have been convicted for the offence punishable under sections 376-D, 366/120-B, 341/120-B, 342/120-B, 323/120-B, 379/120-B, 411/120-B and section 120-B of the Indian Penal Code by the impugned judgment dated 26.02.2020 passed in Sessions Trial No. 668/2019 by the Court of learned Judicial Commissioner, Ranchi and they have has been sentenced in the following manner by the impugned order of sentence dated 02.03.2020.



- A. R.I. for life which shall mean remainder of natural life with a fine of Rs.50,000/- each and a default sentence each under section 376-D of Indian Penal Code.
- B. Imprisonment for ten years under section 366 read with section 120-B of Indian Penal Code.
- C. Imprisonment for one month under section 341 read with section 120-B of Indian Penal Code.
- D. Imprisonment for one year under section 342 read with section 120-B of Indian Penal Code.
- E. Imprisonment for one year under section 323 read with section 120-B of Indian Penal Code.
- F. Imprisonment for three years under section 379 read with Section 120-B of Indian Penal Code
- G. Imprisonment for three years under section 411 read with Section 120-B of Indian Penal Code.

However, no separate sentence has been awarded under section 120-B of Indian Penal Code. All the sentences have been ordered to run concurrently.

7. Call for the lower court records in connection with Sessions Trial No. 668/2019 from the Court of learned Judicial Commissioner, Ranchi.

8. Learned counsel for the appellants submits that lower court records have been summoned in Cr. Appeal (DB) No. 460/2020 preferred by co-convict Naveen Oraon. Office to verify whether lower court records have been received in the connected appeal, if so, place it along with the records of instant appeal when the case is taken up.

(Aparesh Kumar Singh, J)

(Anubha Rawat Choudhary, J)