

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 711 of 2025

Tuntun Singh, aged about 34 years, son of late Gunjan Singh, resident of village Mahuwatkar, P.O. Bargarh, P.S. Bhandariya, District-Garhwa (Jharkhand) Petitioner

Versus

The State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :Mr. Syed Tafazzul Sajid, Advocate

Mr. Ashok Kumar, Advocate

For the State : Mr. Anup Pawan Topno, A.P.P

04/ 17.02.2025: Heard learned counsel for the petitioners and learned counsel for the State.

2. I.A. No.14511 of 2025 has been filed for suspension of sentence and release the petitioner on bail during the pendency of the instant criminal revision.

3. Learned counsel appearing for the petitioner submits that the learned Judicial Magistrate, Ist Class, Garhwa by judgement dated 02.05.2022 held the petitioner guilty under section 25(1-b)a/35 of Arms Act Act in connection with Ranka P.S. Case No. 97 of 2018, G.R. No. 1651 of 2018 and further sentenced the petitioner to undergo R.I. for 03 years and fine of Rs. 3,000/- for the offence under section 25(1-b)a/35 of Arms Act and in default of payment of fine further to undergo S.I. for 3 months, further sentenced to undergo R.I for 03 years and fine of Rs. 2,000/- and in default of payment of fine further to undergo S.I for 02 months for the offence under sections 26/35 of Arms Act and all the sentences were directed to run concurrently. He further submits that said judgment was challenged before the learned Sessions Judge, Garhwa in Criminal Appeal No. 11 of 2022 and by judgment dated 17.01.2025 the learned appellate court has been pleased to dismiss the appeal and affirmed the judgment of learned trial court.

4. Learned counsel for the petitioner submits that the petitioner was in

judicial custody during trial since 05.10.2018 to 05.09.2019 (11 months) and since 18.04.2022 to 04.06.2022 (01 month 16 days) thereafter since 24.05.2025 the petitioner is in custody till date. He next submits petitioner has remained in custody for 22 months and 15 days. He then submits that the learned court has not appreciated the evidences in right perspective and in absence of independent witness the said sentence has been imposed upon the petitioner. He next submits that several contradiction has not been considered by the learned court. According to him no arms has been recovered from the possession of the petitioner. On these grounds, he submits that the petitioner may kindly be granted regular bail.

5. Learned counsel for the State opposes the prayer and submits that there are concurrent findings of two courts and there is proper appreciation of evidences and thereafter said sentence has been passed. He next submits that petitioner has criminal antecedent.

6. The petitioner was apprehended and searched upon on a public passage. The learned court after appreciating the issue of non examination of independent witness has held that it cannot be presumed that the police witnesses supporting the prosecution case are telling lie. The petitioner was apprehended by the C.R.P.F personnel in forest and it has been pointed out that petitioner is having criminal antecedent.

7. In the attending facts and circumstances of the case, I am not inclined to suspend the sentence of the petitioner and accordingly, I.A. No.14511 of 2025 is hereby rejected.

8. Liberty is provided to the petitioner to move proper petition for early hearing of this criminal revision.

(Sanjay Kumar Dwivedi, J.)

Dt. 17.02.2026
satyarthi-