

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.Appeal (DB) No. 696 OF 2014

Sunil Kumar Yadav @ Sunil Jee, son of Jay Prakash Narayan Yadav resident of
village - Dumri, PO Nandodih, PS Satgawan, District - Koderma
.... Appellant

Versus

The State of Jharkhand

... Respondent

CORAM: HON'BLE MR.JUSTICE VIRENDER SINGH, CHIEF JUSTICE
HON'BLE MR.JUSTICE P.P.BHATT

For the Appellant/Petitioner	:Mr.Anil Kumar
For the Respondent-State	: Mr.Shekhar Sinha, APP
For the Respondent-Informant	: Mr.Deepak Kumar

Order No.3

Dated 30th July, 2015

Per Virender Singh, C.J.

At the outset, in order to know as to why long nine years were consumed in wrapping the trial of the present case, learned APP, after perusing the trial court records, states that in fact, the appellant was involved in other cases also relating to other districts and at many stages, when the case was fixed for recording evidence, the appellant was absent. This appears to be the main reason for the delay caused in the trial. Learned State Counsel states that even otherwise at one stage when the case was committed to the court of session, learned Principal Sessions Judge kept the file with him for long two years without proceeding ahead with the trial. Learned APP states that this fact is mentioned in para 3 of the impugned judgment itself.

Keeping in view the totality of the facts and circumstances of the instant appeal, the appellant, who stands convicted primarily for the charge of section 449 I.P.C and sentenced to life imprisonment along with section 17 of C.L.A Act, for which he has been sentenced to three years R.I, does not deserve the concession of suspension of his substantive sentence during the pendency of the instant appeal. Resultantly prayer made for the said relief is declined.

(Virender Singh, C.J.)

(P.P.Bhatt, J.)