

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
Cr. Appeal (DB) No. 1068 of 2018

1. Kapil Munda  
2. Ishwar Munda  
Versus  
The State of Jharkhand  
Appellants  
Respondent

CORAM: **Hon'ble Mr. Justice Aparesh Kumar Singh**  
**Hon'ble Mr. Justice Kailash Prasad Deo**

For the Appellant: Mr. Sheo Logan Singh, Advocate  
For the State: Ms. Lily Sahay, Advocate

7/ 02.09.2019 Since defect no. 9(xii) is minor, the same is ignored. Since learned counsel for the appellants has effectively removed all other defects within time, cost of Rs. 500/- is waived.

2. Heard learned counsel for the appellant and the State on the prayer for condonation of delay of 03 days in preferring the instant Memo of Appeal through I.A. No. 2126/2019.

3. Having considered the grounds urged and submissions of the parties, delay is condoned. I.A. stands disposed of.

4. These two appellants along with one Langaru Munda stand convicted for the offences punishable under sections 376(D)/34 and 366/34 of I.P.C and section 4 and 6 of POCSO Act vide impugned judgment dated 13.07.2018 rendered in POCSO Case No. 61/2017 by the Court of learned Additional Judicial Commissioner-XVIII-cum-Special Judge, POCSO, Ranchi and have been sentenced in the following manner vide order of sentence dated 18.07.2018.

| Offence             | Sentence                                                                              |              |             | Nature     |
|---------------------|---------------------------------------------------------------------------------------|--------------|-------------|------------|
|                     | Imprisonment                                                                          | Fine         | Default     |            |
| Section 366/34 IPC  | 10 years R.I                                                                          | Rs. 10,000/- | 1 year R.I. | Concurrent |
| Section 376D/34 IPC | 25 years R.I                                                                          | Rs. 50,000/- | 3 years R.I |            |
| Section 4 POCSO Act | Section 6 of POCSO Act is aggravated form, hence no separate sentence is required     |              |             |            |
| Section 6 POCSO Act | In view of section 42 of Act (Alternate Punishment), no separate sentence is required |              |             |            |

5. Admit.

6. Issue notice.

7. Call for the lower court records in connection with POCSO Case No. 61/2017 from the Court of learned Additional Judicial Commissioner-XVIII-cum-Special Judge, POCSO, Ranchi.

8. It is informed that co-convict Langaru Munda has preferred Cr. Appeal (DB) No. 319/2019, which has already been admitted vide order dated 18.07.2019. Let it be connected with the instant appeal.

(Aparesh Kumar Singh, J)

(Kailash Prasad Deo, J)