

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr. Appeal (D.B) No.1254 of 2024**

Rakesh Raut

..... **Appellant**

**Versus**

The State of Jharkhand

..... **Respondent**

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**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**  
**HON'BLE MR. JUSTICE RAJESH KUMAR**  
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For the Appellant : Mr. Shailesh Poddar, Advocate  
For the State : None  
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**04/Dated: 07<sup>th</sup> July, 2025**

**I.A. No.7893 of 2025**

1. The instant interlocutory application has been filed under Section 430(1) of the BNSS, 2023, for suspension of sentence in connection with the judgment of conviction dated 03.09.2024 and order of sentence dated 09.09.2024, passed by the learned A.J.C - VIII, Ranchi, in Sessions Trial No. 43 of 2019, whereby and whereunder, the appellant has been convicted for the offence under Section 302 of the Indian Penal Code and under Section 27(1) of the Arms Act and has been sentenced to undergo Rigorous Imprisonment (RI) for life with fine of Rs. 20,000/- for the offence under Section 302 IPC and in default of payment of fine further directed to undergo SI for one year, for the offence under Section 27 (1) of the Arms Act, he has been sentenced to undergo RI for 7 years with fine of Rs.10,000/- and in default of payment of fine further SI for six months. All the sentences were directed to run concurrently.

2. It has been contended on behalf of the appellant that the prayer for suspension of sentence has been renewed on the ground that the appellant has completed near about seven

years of sentence. The ground has been taken by addressing this Court on the issue of merit also.

**3.** None is present to represent the State.

**4.** We have heard learned counsel for the appellant and gone through the findings recorded by the learned trial court in the impugned judgment as also the testimony along with other documents available in the trial court record.

**5.** We have also gone through the order passed by this Court dated 25.11.2024 in I.A. No.10451 of 2024, under Section 430(1) of BNSS, 2023, filed for suspension of sentence, but was rejected by the aforesaid order.

**6.** The order of rejection of the prayer for suspension of sentence vide order dated 25.11.2024 has not been challenged by the appellant before the higher forum.

**7.** This Court has considered the issue in entirety by going through the testimony of the witnesses. This Court has found the direct complicity of the present appellant which required to be seen at the aforesaid stage while considering the issue of suspension of sentence. The relevant paragraphs of the said order need to be referred herein which are quoted herein-below :-

*“22. In the instant case from the testimonies of the witnesses, it is evident that the appellant is an ill-tempered person and previously he has acted in violent manner. PW.1 who is the daughter of the appellant, in para-3 of her testimony has stated that her father prior to this, three times had opened fire inside his house. Once he had opened fire on her younger brother Ronit Kumar. Then second time on her elder brother who died and also upon her had opened fire and third time he had opened fire due to being quarrel with the neighbors.*

*23. The aforesaid part of testimony of P.W.3 has fully been substantiated by the P.W.2 namely Ronit Kumar son of the appellant. He had stated at para-5 of his testimony that prior to the occurrence, his father had also opened fire on him on the day of Holi and he had fled away due to fear. The matter was not reported by him and at that time, his father had assaulted to his mother by the butt of the gun. He stated that one day prior to occurrence, his brother had made a call to him and stated that his father used to quarrel with Rahul.*

*24. The aforesaid testimonies of the said witnesses have also been corroborated by the testimony of P.W.3 who is the wife of the appellant who at para 2 of her testimony has stated that her husband has rifle who earlier also two times, has opened fire on his son, but the pellet crossed towards wall and has also opened fire upon neighbours and that time also, the pellet crossed towards the wall."*

8. The prayer has been renewed on the ground of completion of near about seven years of sentence. The conviction is under Section 302 of the Indian Penal Code in which the appellant has been sentenced to undergo rigorous imprisonment for life in a case where the guilt has been proved by the learned trial court, based upon the evidence, of committing murder of his son.

9. The appellant, since, has been convicted and sentenced to undergo rigorous imprisonment for life and as such he is not coming under the parameter to consider the prayer for suspension of sentence after rejection of the aforesaid prayer in the first instance, since, the said parameter as has been held by the Hon'ble Apex Court in the case of **Saudan Singh Vs. State of Uttar Pradesh**, reported in **(2022) SCC OnLine SC 697**, that if the appeal is not likely to be taken up and the convict has undergone the period of more than ten

years of sentence, then the prayer for suspension of sentence is to be considered, but, even the appellant is not coming under the aforesaid parameter.

**10.** This Court, considering the aforesaid fact, is of the view that no case is being made out to pass an order for suspension of sentence. Further, if this Court will go into the merit of the case as has been submitted by the learned counsel appearing for the appellant, then the same will amount to reviewing the order passed by this Court dated 25.11.2024.

**11.** Accordingly, I.A. No.7893 of 2025 stands disposed of.

**(Sujit Narayan Prasad, J.)**

**(Rajesh Kumar, J.)**

**Ravi-Chandan/-**