

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (D.B.) No. 1571 of 2023

Pappu Das Appellant
Versus
The State of Jharkhand Respondent

Coram: HON'BLE MR. JUSTICE RATNAKER BHENGRA
: HON'BLE MR. JUSTICE AMBUJ NATH

For the Appellant : Mr. R. S. Mazumdar, Sr. Advocate
: Mr. Vikas Kumar, Advocate
For the State : Mr. Vishwanath Roy, Spl.P.P

Order No. 06 Dated- 16.01.2024

I.A. (Cr.) No. 8399 of 2023

Heard learned counsels for the parties.

The instant Interlocutory Application has been filed by the appellant for suspension of his sentence during the pendency of this appeal.

The learned senior counsel for the appellant has submitted that the appellant has been convicted under Section 307 IPC as well as under Section 302 IPC with a maximum sentence of RI for life imprisonment. He has further submitted, however, that after going through the facts and evidences of the case the conviction if at all, may come under Section 304 (II) IPC and, therefore, in that case, the custodial period already spent by him i.e. four years three months may be considered adequate and reasonable for allowing the prayer of suspension of sentence. It is further submitted that even otherwise, there is allegation of only one single blow i.e. also supported by the medical evidence and it was done on the spur of the moment which is evident from the FIR itself.

Learned counsel for the State has opposed the prayer for suspension of the sentence of the appellant and has submitted that from the evidence of P.W. - 1 who is the aunty of the deceased wherein she has deposed that after the incident the informant or the deceased had come to her and he had narrated the incident in which he has clearly told that the appellant was the one who had stabbed him and, therefore, in that way the oral dying declaration made by the informant/deceased is corroborated by P.W. - 1. He has also submitted that the IO who is P.W. - 4 has also stated that in the restatement the informant/deceased repeated the original statement made for the purpose of FIR, therefore, based on these evidences itself the conviction and imposed sentences are fully sustained.

Having heard the leaned counsels for the parties, gone through the records of the case, noted the submissions, custody and in the facts and circumstances of the case, we are not inclined to suspend the sentence of the appellant above named, during the pendency of this appeal. The prayer for suspension of sentence of the appellant above named is rejected.

Accordingly, I.A. (Cr.) No. 8399 of 2023 stands rejected.

(Ratnaker Bhengra, J.)

(Ambuj Nath, J.)