

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (D.B.) No.1 of 2025

Ranjeet Choudhary @ Ranjeet Kumar Chaudhary, aged about 57 years, S/o Praduman Chaudhary, resident of village Jarangdih, Krishna Ballabh College, P.O. Bermo, P.S. Bokaro Thermal, Dist: Bokaro. **Appellant**

Versus

The State of Jharkhand **Respondent**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant : Mr. Pran Pranay, Advocate
For the State : Mr. Pankaj Kr. Mishra, A.P.P.

Order No. 09/Dated 18th September, 2025

I.A. No.9762 of 2025

1. The instant interlocutory application has been filed under Section 430(1) of Bhartiya Nagarik Suraksha Sanhita, 2023 on behalf of the appellant for suspension of sentence dated 30.11.2024 passed in connection with Sessions Trial No.141 of 2022 arising out of Bokaro Thermal P.S. Case No.155 of 2020 by the learned Addl. Sessions Judge-II, FTC, Bermo at Tenughat (Bokaro) whereby and whereunder, the appellant has been convicted and sentenced to undergo rigorous imprisonment for 12 years with fine of Rs.20,000/- for the offence under Section 376(2)(n) of the Indian Penal Code and in default of payment of fine amount, to further undergo R.I. for six months.

2. Mr. Pran Pranay, learned counsel appearing for the appellant, has submitted that earlier to the instant interlocutory application, one another interlocutory

application was filed being I.A. No.2164 of 2025, however, the same was withdrawn after some argument.

3. Learned counsel has submitted that the prayer for suspension of sentence has again been renewed by filing the instant interlocutory application on the ground of custody of more than three years against the maximum sentence of 12 years.

4. Learned counsel has submitted that based upon the aforesaid ground, the prayer for suspension of sentence may be considered.

5. On the other hand, learned counsel appearing for the State has made opposition so far as the issue on merit is concerned, but has admitted the fact that in a case of term sentence, if the sentence has been substantially undergone, then the prayer can be considered.

6. We have learned counsel for the parties and gone through the rival submissions made on their behalf.

7. The appellant has been sentenced for maximum punishment of 12 years against which he has remained in custody for more than three years which he has completed on 20.07.2025.

8. At this juncture it needs to refer herein the settled proposition of law that when a convicted person is sentenced to a fixed period of sentence and when he files an appeal under any statutory right, suspension of sentence should be considered by the Appellate Court liberally unless there are exceptional circumstances, reference in this regard be made to the judgment rendered

by the Hon'ble Apex Court in the **case of Aasif @ Pasha vs. The state of U.P & Ors. 2025 Live Law (SC) 784.**

9. This Court, considering the fact that against the term punishment, if the substantial period of sentence has been undergone, then the prayer for suspension is to be considered.

10. This Court, considering the fact that the appellant has already undergone sentence of 03 years and the instant appeal which is of the year 2025 is not likely to be taken up in near future as such, is of the view that the instant interlocutory application needs to be allowed.

11. Accordingly, the instant Interlocutory Application stands allowed.

12. In view thereof, the appellant, named above, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II, FTC, Bermo at Tenughat (Bokaro) in connection with Sessions Trial No.141 of 2022 arising out of Bokaro Thermal P.S. Case No.155 of 2020.

(Sujit Narayan Prasad, J.)

(Pradeep Kumar Srivastava, J.)

18th September, 2025

Birendra/