

HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR

CRA No.15/2018, MP No.01/2018

Date of Order: 01.05.2018

Bashir Ahmad Tantray and Ors v/s State through Police Station Crime Branch

Coram:

Hon'ble Mr Justice Sanjeev Kumar, Judge

Appearance:

For the petitioner(s): Mr.N.A.Ronga, Advocate

For the respondent(s): Mr. B.A.Dar, Sr.AAG

Notice.

Notice accepted by Mr. B.A.Dar, Sr.AAG.

MP No.01/2018:

Having heard learned counsel for the parties and perused the record, including the judgment impugned, I find that some debatable questions of law and fact are involved which require elaborate discussion.

The appellant no. 1 and 3 have been convicted and sentenced to undergo rigorous imprisonment of three years for offences under Section 5(1)(d) read with section 5 (2) of Prevention of Corruption Act and 120-B RPC and also to pay a fine of Rs.5.0 lac each. They are further ordered to undergo rigorous imprisonment of three years for offences under section 420 RPC and both the sentences have been ordered to run concurrently. They have not been able to make out any good ground to suspend the sentence and grant them bail at this stage. However, in so far as the appellant no.2 is concerned, she is a girl of 23 years and is reportedly a student. In case she is detained it would adversely affect her career and health. She has been convicted and sentenced to under simple imprisonment for one year.

From perusal of the judgment impugned, it is apparent that overzealous father i.e, appellant no.1 has dragged the appellant no.2, her daughter, in the crime for which both father and daughter have been convicted.

Keeping in view the special circumstances aforesaid, I am inclined to suspend the sentence imposed upon the appellant no.2 by the trial court vide judgment impugned. This order, however, is subject to objections and till next date of hearing before the Bench. Let the matter come up for consideration on 16th May, 2018. In the meanwhile, the respondents shall file objections.

(Sanjeev Kumar)
Judge

Srinagar
01.05.2018
Sarveeda

