

**Sinoh Sarohi Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/693275](http://sooperkanoon.com/693275)

**Court :** Delhi

**Decided On :** May-27-1993

**Reported in :** 1994CriLJ82; 1993(3)Crimes684; 51(1993)DLT64; 1993RLR544

**Judge :** Sat Pal, J.

**Acts :** [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 439

**Appeal No. :** Criminal Miscellaneous (Main) Appeal No. 336 of 1993

**Appellant :** Sinoh Sarohi

**Respondent :** State

**Advocate for Pet/Ap. :** R.K. Naseem and; H.P. Sharma, Advs

**Judgement :**

**Sat Pal, J.**

(1) This is a petition for grant of bail under Section 439 of Code of Criminal Procedure.

(2) Mr. Naseem, learned Counsel appearing on behalf of the petitioner submitted that according to the prosecution case, complainant Jugalkishore was abducted by the accused with a view to extort money from him by putting him in fear of death. He, therefore, submitted that in terms of the allegations, the petitioner

could be charged under Section 386 Indian Penal Code and not under Section 364 Indian Penal Code He further submitted that under Section 386 Ipc, maximum punishment provided is up to 10 years and fine. The learnedcounsel, thereforee, contended that since the maximum punishment provided for Section 364 Indian Penal Code is 10 years, the challan was required to be filed within 60days from the date of arrest, but since the challan was filed beyond 60 days,the petitioner is entitled to be enlarged on bail in terms of proviso under Section 167(2) Code of Criminal Procedure. In support of his contention,the learned Counsel placed reliance on the judgment of Allahabad HighCourt in Smt. Kusum Devi v. State of U.P., 1992(1) Ccr 276.

(3) Mr. Sharma, learned Counsel appearing on behalf of the State,however, submitted that mdous operand of the accused demanding ransom from the complainant whom they had kidnapped, was by putting him in fright of his being murdered. Thus there was every likelihood of the complainant being murdered in case the ransom money was not paid for one reason or the other. He submitted that the present case under Section 364 IPC and not under Section 386 IPC. He, thereforee, contended that since the maximum punishment under Section 364 Indian Penal Code is imprisonment for life,the challan could be filed within 90 days and in the present case admittedly the challan has been filed within 90 days. In support of his contention, the learned Counsel placed reliance on a judgment of Supreme Court in the case of Ram Chandar v. State of U.P., Air 1975 Sc 381.

(4) I have given my thoughtful consideration to the submissions made by the learned Counsel for the parties. Keeping in view the law lay down by the Supreme Court in the case of Ram Chander (supra), I am of the view that petitioner is not entitled to bail. Accordingly, the petition is dismissed.