

Kalyani Devi and Anr Vs. The State of Jharkhand

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Court : Jharkhand

Decided On : Dec-05-2016

Appellant : Kalyani Devi and Anr

Respondent : The State of Jharkhand

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. Appeal (S.J.) No. 227 of 2015 with I.A. No. 7629 of 2016 1.Kalyani Devi 2. Nimai Kumbhkar Appellants Versus The State of Jharkhand Respondent ----- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH ----- For the Appellants : Mr. Suraj Singh, Advocate For the Respondent : APP ----- 7/Dated:

05. 12/2016 I.A. No.7629 of 2016 The present interlocutory application has been filed on behalf of the appellant No.1, Kalyani Devi with a prayer to grant bail after suspending the sentence during the pendency of the appeal. The appellant No.1 has faced trial in Sessions Trial No.472/06/109/07, by Judgment dated 27.3.2015 and the order of sentence dated 31.3.2015 passed by Babita Prasad, the learned Additional Sessions Judge-II, F.T.C., Bokaro, and she has been convicted under Section 304(B) of the I.P.C. and u/s 4 of the Dowry Prohibition Act. She has been directed to undergo R.I. for 7 years u/s 304(B) of the I.P.C. and R.I. for 2 years with a fine of Rs.500/- each u/s 4 of the Dowry Prohibition Act and in default of payment of fine, she would further undergo R.I. for 15 days. All the sentences shall run concurrently. Learned counsel for the appellants submitted that the appellant No.1 is the mother-in-law of the deceased. She is an ailing lady aged about 64

years and suffering with many diseases. It is submitted that she is now unable to move properly without help of other person due to fracture in her leg. Learned counsel for the State has opposed the prayer for suspension of sentence of the appellant No.1. In the facts and circumstances, I am inclined to admit the appellant No.1 namely, Kalyani Devi on bail and suspend the sentence awarded to her. Accordingly, the appellant No. 1 is directed to be released on bail, during pendency of this appeal, on furnishing bail bond of Rs.10000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Babita Prasad, the learned Additional Sessions Judge-II, F.T.C., Bokaro, in connection with Sessions Trial No. 472/06/ 109/07, with a condition that one of the bailors would be near relative of the appellant No.1 2 directed to be released on bail, during pendency of this appeal, on furnishing bail bonds of Rs.10000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Rajesh Kumar Pandey, the learned 1st Additional Sessions Judge, Latehar, in connection with Sessions Trial Case No. 129 of 2008, with a condition that one of the bailors would be a near relative of the appellants and on the date of furnishing the bail bond, the appellants shall deposit the aforesaid fine amount before the trial Court. I.A. No.2017 of 2016 stands allowed and disposed of. Let a copy of this order be sent to the trial Court. (Anant Bijay Singh, J.) Sudhir IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. Appeal (S.J.) No. 233 of 2016 with I.A. No. 2017 of 2016 1. Surendra Oraon 2. Amrika Singh Appellants Versus The State of Jharkhand Respondent ----- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH ----- For the Appellants : Mr. Rakesh Kumar, Advocate For the Respondent : APP ----- 7/Dated:

05. 12/2016 I.A. No.2017 of 2016 The present interlocutory application has been filed on behalf of the abovenamed appellants with a prayer to grant bail after suspending the sentence during the pendency of the appeal. The appellants have faced trial in Sessions Trial Case No. 129 of 2008, by Judgment dated 19.12.2015 and the order of sentence dated 21.12.2015 passed by Sri Rajesh Kumar Pandey, the learned 1st Additional Sessions Judge, Latehar,. The appellants have been held guilty under Sections 147, 148 and 353 of the I.P.C. and sentenced to undergo rigorous imprisonment for one year and to pay fine of Rs.1000/- each and in default of payment of fine the appellants would further undergo simple

imprisonment for 3 months. Further the appellants have been convicted under Sections 307 and 149 of the I.P.C. and sentenced to undergo rigorous imprisonment for 5 years and to pay a fine of Rs.1000/- each and in default of payment of fine, the appellants shall undergo six months simple imprisonment and both the sentences shall run concurrently. Learned counsel for the appellants has submitted that appellants have remained in custody since 08.11.2000. It is then submitted that prosecution has examined seven witnesses, out of which six witnesses are the police personnel and they have not brought cogent or reliable evidence to implicate the appellants in the aforesaid case. It is then submitted that no incriminating articles were recovered from the possession of the appellants. Learned counsel for the State has opposed the prayer for suspension of sentence of the appellants. In the facts and circumstances, I am inclined to admit the appellants abovenamed on bail and suspend the sentence awarded to the appellants. Accordingly, the appellant nos. 1 and 2 are IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B. A. No. xxx of 2016 xxx Petitioner Versus The State of Jharkhand Opposite Party ----- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH ----- For the Petitioner : Mr. xxxx, Advocate For the State : APP ----- xx/Dated:

05. 12/2016 xxx (Anant Bijay Singh, J.) Sudhir IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B. A. No. xxx of 2016 xxx Petitioner Versus The State of Jharkhand Opposite Party ----- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH ----- For the Petitioner : Mr. xxxx, Advocate For the State : APP ----- xx/Dated:

05. 12/2016 xxx (Anant Bijay Singh, J.) Sudhir IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B. A. No. 3256 of 2016 Amlendu Das and another Petitioners Versus The State of Jharkhand & Another Opposite Parties ----- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH ----- For the Petitioners : Mr. S.S. Choudhary, Advocate For the State : APP ----- 5/Dated:

05. 12/2016 When the case is called out, the learned counsel for the petitioners seeks time. As prayed for, list this case on 24.01.2017. Till then, interim order granted earlier will continue. (Anant Bijay Singh, J.) Sudhir IN THE HIGH COURT

OF JHARKHAND AT RANCHI A.B. A. No. 3285 of 2016 Sudama Singh @ Sudama Kumar Singh Petitioner Versus The State of Jharkhand & Another Opposite Parties ----- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH ----- For the Petitioner : Mr. S. Kumar, Advocate For the State : APP ----- 6/Dated:

05. 12/2016 When the case is called out, the learned proxy counsel for the petitioner seeks time. As prayed for, list this case on 08.2.2017. Till then, interim order granted earlier will continue. (Anant Bijay Singh, J.) Sudhir IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B. A. No. 3614 of 2016 Guddu Munda @ Chandra Dev Munda Petitioner Versus The State of Jharkhand Opposite Party ----- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH ----- For the Petitioner : Mr. Altamas Lhan, Advocate For the State : APP For the informant : Md. Sajid Yunus Warsi, Adv. ----- 19/Dated:

05. 12/2016 It appears that on the basis of joint compromise, petitioner and informant were agreed to reside together and they started living together. When the case is called out, informant appears and submits that petitioner has tortured her and after 'Durga Puja' he has driven her out of the house. In the facts and circumstances, the petitioner is directed to remain physically present before this Court on 17.1.2017 so that appropriate order be passed. Till then, interim order granted earlier will continue. A copy of this order be communicated to the trial Court. (Anant Bijay Singh, J.) Sudhir IN THE HIGH COURT OF JHARKHAND AT RANCHI A.B. A. No. 14 of 2016 Maharishi Kesh Jha Petitioner Versus The State of Jharkhand & Anr. Opposite Parties with A.B. A. No. 34 of 2016 Maharishi Kesh Jha Petitioner Versus The State of Jharkhand & Anr. Opposite Parties ----- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH ----- For the Petitioner : Mr. K.P. Deo, Advocate For the State : APP For the O.P. No.2 : Mr. S.P. Sinha, Advocate ----- 12/Dated:

05. 12/2016 When the case is called out, learned counsel for the O.P. No.2 prays for time to file counter affidavit. Learned counsel for the petitioner is directed to file certified copy of summoning order. List this case on 07.2.2017. Till then, interim order granted earlier shall continue. (Anant Bijay Singh, J.) Sudhir IN THE HIGH

COURT OF JHARKHAND AT RANCHI A.B. A. No. 1460 of 2016 1. Md. Jamal 2. Iqbal Ansari @ Md. Iqbal Petitioners Versus The State of Jharkhand & Another Opposite Parties ----- CORAM: HON'BLE MR. JUSTICE ANANT BIJAY SINGH ----- For the Petitioners : Mr. Mahesh Tewari, Advocate For the State : APP For the O.P. NO.2 ` : Mr. S. Ugghal, Advocate ----- 8/Dated:

05. 12/2016 It reveals from the record that mediation between the parties has failed and the case is fixed for today. When the case is called out, learned counsel for the petitioner submits that petitioner is ready to pay the amount of Rs.6,71,000/- in total in two installments to the complainant/O.P. No.2. Today, he has produced a bank draft of Rs.200000/-(Rupees two lacs only) dated 21.10.2016, payable in favour of O.P. No.2. O.P. No.2/Complainant is present in the Court and he has received the aforesaid bank draft in the Court for which he has acknowledged the same in the margin of order sheet. Petitioner is directed to produce another bank draft of Rs.4,71,000/- payable in favour of O.P. No.2/complainant on 21.3.2017, on that day both the parties will be physically present in the Court. Till then, interim order granted earlier will continue. Let a copy of this order be communicated to the trial court. (Anant Bijay Singh, J.)
Sudhir

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