

Sushma Devi and ors. Vs. State of Jharkhand and anr

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SooperKanoon Citation : sooperkanoon.com/917641

Court : Jharkhand Ranchi

Decided On : May-16-2011

Judge : D.K.Sinha

Acts : Limitation Act - Section 5; Indian Penal Act (IPC) - Section 498A; Dowry Prohibition Act - Section 4; Code of Criminal Procedure (CrPC) (Cr.P.C) - Sections 482, 197

Appeal No. : Cr.Rev. No. 1074 of 2010

Appellant : Sushma Devi and ors.

Respondent : State of Jharkhand and anr

Judgement :

1. The instant application has been filed under section 5 of the Limitation Act for condonation of 8 days delay in filing this Cr. Revision. Having been satisfied with the grounds taken and explanations made therein , delay in filing this Cr. Revision is condoned and the instant application is allowed. I.A. No. 2673 of 2010 stands disposed of.

Cr.Rev. No. 1074 of 2010

This Cr. Rev shall be heard.

2. Call for the L.C.R of C-50/2002 corresponding to Tr. No. 41 of 2010 from the court of Sri. Koushik Mishra, Judicial Magistrate, First Class, Garhwa along with

the copy of the judgment recorded in Cr.Appeal 16 of 2010 by the Sessions Judge, Garhwa.

3. Put up this case after four weeks.

4. The learned counsel appearing on behalf of the petitioners submitted that the petitioners surrendered in the court below on 10.5.2011 after the appeal was dismissed by the Sessions Judge, for their conviction under sections 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act. The other convicts Rama Prajapati and Lachhu Prajapati @ Lakshu Prajapati, who were the husband and father-in-law of the complainant Sabita Devi respectively, have been acquitted by this Court in Cr.Rev. No. 843 of 2010 on 8.10. 2010 on the basis of the compromise and relying upon B.S. Joshi's case reported in (2003) 4 S.C.C. 675. The complainant is inclined to compromise with this petitioners and hence their ad-interim bail may be considered. The learned counsel further submitted that they were all along on bail during trial and in appeal and never misused the privilege. In the circumstances, the petitioners Sushma Devi, Lilawati Devi and Ramchandra Prajapatis are directed to be released, during pendency of this Cr.Rev, on executing bail bond of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Trial Magistrate, Garhwa with the conditions that the bailors would be their near relatives and they would cooperate in disposal of this Cr.Rev, failing to which appropriate order shall be passed for vacating their ad-interim bail. .

5. Let this order be communicated to the court concerned through Fax at the cost there being borne by the petitioners.

SD (D.K.Sinha, J) IN THE HIGH COURT OF JHARKHAND, RANCHI.

Cr.M.P. No. 359 of 2011

Suresh PrasadPetitioner Versus

State of Jharkhand & Anr; Opp. Parties

CORAM :- HON'BLE MR. JUSTICE D.K. SINHA

For the Petitioner :- Mr.Yogesh MOdi For the State :- A.P.P.

1. 5/16.5.2011 The instant petition has been filed under section 482 of the Code of Criminal Procedure for restoration of W.P.(Cr.) 420 of 2009 which was dismissed for default on 14.1.2011 on the ground of non-appearance of the counsel on that date when the case was called out.

2. Having been satisfied with the grounds taken and explanation made therein this petition is allowed and W.P.(Cr.)No. 420 of 2009 is directed to be restored to its original file.

(D.K.Sinha, J)

SD

IN THE HIGH COURT OF JHARKHAND, RANCHI.

Cr.M.P. No. 749 of 2011

Anil Kumar Singh & Ors.Petitioners Versus

State of Jharkhand Opp. Party

CORAM :- HON'BLE MR. JUSTICE D.K. SINHA

For the Petitioner :- Mr.S.N. Prasad For the State :- A.P.P.

1. 2/16.5.2011 Mr. S.N. Prasad, the learned counsel appearing for the petitioners seeks adjournment for filing appropriate documents in support of the contention that the prosecution of Junior Engineer for sanction under section 197 Cr.P.C is required as they are public servants in terms of the definition of the "public servants" contained in the Indian Penal Code.

2. Put up this case on 9th June, 2011.

3. In the meantime, there shall be stay of further proceeding of Khunti P.S. Case No. 60 of 2000 corresponding to G.R. No. 241 of 2000 pending in the court of ACJM Khunti against the petitioners till next date. (D.K.Sinha, J)

