

**Chinta Devi Vs. the State of Jharkhand**

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**Court :** Jharkhand

**Decided On :** Feb-05-2013

**Appellant :** Chinta Devi

**Respondent :** The State of Jharkhand

**Judgement :**

IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. Appeal (D.B.) No. 604 of 2012 Chinta Devi Appellant Versus The State of Jharkhand ... .. Respondent -----  
CORAM: HONBLE MR. JUSTICE D.N.PATEL HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR ----- For the Appellant: M/s Ajit Kumar For the Respondents: A.P.P. ----- 13/Dated 5th February

1. Present appeal was admitted vide order dated 24th September, 2012. Record and proceedings of S.T. No. 267 of 2002 was called for from the trial court so as to appreciate the arguments on the prayer of suspension of sentence under section 389 (2) of the Code of Criminal Procedure.

2. The present appellant has been convicted vide order dated 29th March, 2003 in S.T. No. 267 of 2002 by Additional Sessions Judge, F.T.C. No. 7, Hazaribag and vide order dated 31st March, 2003, she was sentenced to undergo Rigorous Imprisonment for life and to pay a fine of Rs. 500/- for the offence under section 302 of the I.P.C. and also sentenced to undergo rigorous imprisonment for three years for the offence u/s 201 of the I.P.C.

3. We have perused the proceedings of S.T. No. 267 of 2002 and we have also heard counsel for both sides at length.

4. Having heard counsel for both sides and looking to the evidences on record, it appears that there is prima-facie case against this appellant, but since the criminal appeal is pending we are not much inclined to analyse the evidences on record, but suffice it to say that there are several circumstances which have been proved by the prosecution connecting the present appellant with the murder of deceased Arjun Kumar. From the evidences of P.W. 1, P.W.2, P.W. 6, P.W.8 and P.W. 10, certain crucial circumstances leading towards the murder of the deceased have been proved by the prosecution. As the appeal is pending we are not much analysing these evidences on record, but suffice it to say that blood stained earth was recovered from the courtyard of the house of this -2- appellant. The weapon alleged to have been used for committing murder of the deceased was also recovered from the house of this appellant.

5. Looking to these evidences on record, it appears that there is prima-facie case against this appellant and therefore, looking to the gravity of offence, the quantum of punishment and the manner in which the appellant is involved in the offence, as alleged by the prosecution, we are not inclined to suspend the sentence, awarded by the trial court, to the present appellant-accused.

6. There is no substance in the prayer for suspension of sentence, which is accordingly rejected. (D.N.Patel, J.) (Shree Chandrashekhar, J.) s.m.

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