

Manoj Kumar Alias Babloo Vs. State of Jharkhand

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Court : Jharkhand

Decided On : Jan-10-2013

Appellant : Manoj Kumar Alias Babloo

Respondent : State of Jharkhand

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI Cr. Appeal (D.B.)No.1035 of 2012 Manoj Kumar @ Babloo.Appellant -Versus- The State of Jharkhand.Respondent ----- CORAM: HON'BLE MR. JUSTICE D.N.PATEL HON'BLE MR. JUSTICE D.N.UPADHYAY ----- For the Appellant: Mr. Raj Mangal Singh, Advocate. For the State: A.P.P. ----- 05/ Dated 10th January, 2013 Oral order: Per D.N.Patel,J:

1. The present appeal has already been admitted vide order dated 6th December, 2012.
2. Records and proceedings of Sessions Trial No. 556/2011 was called for from the Trial Court so as to appreciate the arguments for suspension of sentence. Records and proceedings of Sessions Trial No. 556/2011 has been received by this Court.
3. The present appellant is convicted for the offence under Section 364-A of the Indian Penal Code for kidnapping Dr. Lalit Jain and keeping him in detention. He is punished for life imprisonment and fine of Rs. 5,000/-.

4. Having heard the Counsel for both the sides and looking to the records and proceedings of Sessions Trial there is a prima facie case against this appellant-accused, who is original accused no.3 in Sessions Trial No. 556 of 2011. As the Criminal Appeal is pending, we are not much analyzing the evidence on record but suffice it to say that looking to the depositions of the prosecution witnesses, who are P.W.1, P.W.2, P.W.3 and P.W. 6 there is a prima facie case against this appellant-accused because they have clearly narrated the role played by this appellant. Moreover, deposition of these witnesses is getting enough corroboration with the deposition of P.W. 4, P.W. 5 and P.W.2 (Dr. Lalit Jain), who was kidnapped. As the Criminal Appeal is pending, we are not going into much detail but depositions of these witnesses constitute a prima facie case against this appellant hence looking to the gravity of the offence, quantum of punishment and the manner in which this 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 this appellant. Thus, prayer for suspension of sentence is hereby rejected. [D.N.Patel,J.] [D.N.Upadhyay,J.] P.K.S.

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