

Ramchandra Sahu and Another Vs. the State of Jharkhand

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Court : Jharkhand

Decided On : Jun-17-2013

Appellant : Ramchandra Sahu and Another

Respondent : The State of Jharkhand

Judgement :

INTHEHIGHCOURTOFJHARKHANDATRANCHI Cr.Appeal(DB)No.661of2012
With Cr.Appeal(DB)No.756of2012 1.RamchandraSahu 2.AmardeepSahu
Appellants(InCr.AppealNo.661/12)

PrakashSahu@PrakashSahuSaoAppellant(InCr.AppealNo.756/12) Versus
TheStateofJharkhand Respondent(Inbothcases) CORAM:

HON'BLEMR.JUSTICED.N.PATEL

HON'BLEMR.JUSTICESHREECHANDRASHEKHAR FortheAppellants

:Mr.M.K.Habib,Advocate(InCr.Appeal661/12) FortheAppellant :Mr.P

.P.N.Roy,Sr.Advocate(InCr.Appeal756/12) FortheRespondent:A.P .P. 20/Dated:17

th June,2013 PerD.N.Patel,J.: Cr.Appeal(DB)No.661of2012 1. Supplementary

affidavit has been filed on behalf of appellant no. 2

tenderinghisunconditionalapologyoffilingofaforgeddocumenti.e.School Leaving

Certificate of appellant no.

2. The said document was forged and

fabricatedanditwascontendedthatappellantno.2isminorandI.A.No.1226

of2013whichisfiledonbehalfofappellantno.2isnowtobewithdrawn.This

affidavitistakenonrecord.

2. Accordingly, I.A.No.1226 of 2013 is disposed of as withdrawn.

3. This appeal has been admitted vide order dated 9th July, 2012. Records and proceedings of Sessions Trial No.355 of 2008/99 of 2009 was called for from the trial court so as to reach to this Court for appreciating the argument for suspension of sentence.

4. Records and proceedings of Sessions Trial has been received by this Court and we have perused the same and heard the learned counsel for both the sides.

5. Looking to the evidences on record, it appears that the present appellants are original accused nos. 1 and 5 in the Sessions Trial. They have been punished mainly for the offence punishable under Section 302 of the Indian Penal Code for life imprisonment. 2

6. Looking to the evidences on record, there is prima facie case against these appellants. As the criminal appeal is pending, we are not much analyzing the evidences on record, but, suffice it to say that the case of the prosecution is based upon the deposition of these several eyewitnesses who are P.W.1, P.W.4, P.W.5 and P.W.7. P.W.7 is an informant. Looking to the deposition of these eyewitnesses, they have clearly narrated the role played by these two appellants. The appellants have caused injury upon the deceased by sharp cutting instrument as well as by lathi which has resulted into the death of the deceased. The deposition of the eyewitnesses is constituting a prima facie case against these appellants. Moreover, deposition of these eyewitnesses is getting enough corroboration by the deposition given by Dr. Anita Sundi (P.W.9 Court Witness No.1). Looking to these evidences on record, there is prima facie case and, therefore, looking to the gravity of offence, quantum of punishment and the manner in which these two appellants are involved in the offences as alleged by the prosecution and looking to the prima facie case, we are not inclined to suspend the sentence awarded to them by the trial court. There is no substance in the prayer for suspension of sentence and, hence, the same is, hereby, rejected. Cr.Appeal(DB)No.756 of 2012 1.

This criminal appeal has been admitted vide order dated 31st July, 2012.

Records and proceedings of Sessions Trial No.355 of 2008/99 of 2009 was

called for from the trial court so as to reach to this Court for appreciating the argument for suspension of sentence.

2. Records and proceedings of Sessions Trial has been received by this Court and we have perused the same and heard the learned counsel for both the sides

3. Looking to the evidence on record, it appears that the present appellant is original accused no. 4 in the Sessions Trial. Looking to the deposition given by P.W.1, P.W.4, P.W.5 and P.W.7, there is prima facie case in favour of the appellant. The appellant has caused injury to the injured eye witness who is P.W.5 by lathi. Looking to these evidences on record, we hereby suspend the sentence awarded to the present appellant, namely, Prakash Sahu @ Prakash Sahu Sao, upon execution of bail bond of Rs.10,000/(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the trial Court (learned Additional Sessions Judge VI, Ranchi) in connection with Sessions Trial No.355 of 2008/99 of 2009 arising out of Ratu P.S. Case No.55 of 2008 corresponding to G.R.No.1108 of 2008, on the condition that the appellant shall remain present before this Court as and when his presence is required by this Court. (D.N.Patel, J.) (Shree Chandrashekhar, J.) Ajay/

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