

Bablu Pandey Vs. State of Jharkhand

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Court : Jharkhand

Decided On : Jun-20-2013

Appellant : Bablu Pandey

Respondent : State of Jharkhand

Judgement :

INTHEHIGHCOURTOFJHARKHANDATRANCHI I.A.No.1631of2012 In
Cr.Appeal(DB)No.271of2009 BabluPandey Appellant Versus
TheStateofJharkhand Respondent CORAM: HON'BLEMR.JUSTICED.N.PATEL
HON'BLEMR.JUSTICER.R.PRASAD FortheAppellant : None FortheState : A.P.P.
04/Dated:20 th June,2013 PerD.N.Patel,J.:

1. When the matter is called out, learned counsel for the applicant is absent. Previously also on 11th April, 2013, the matter was adjourned at the request of learned counsel for the applicant.

2. We have heard learned counsel for the State A.P.P., at length. It is submitted by learned A.P.P. that the case of the prosecution is based upon more than one eyewitnesses who are P.W.3, P.W.4 and P.W.5. It is alleged that this applicant has caused firearm injury upon the deceased, who expired because of firearm injury. Moreover, medical evidence given by P.W.6 (Dr. Tulsi Mahto) who has carried out postmortem of the body of the deceased, is also corroborative to the depositions given by the eye witnesses. Moreover, it is submitted by learned A.P.P. that previously also prayer for suspension of sentence canvassed by learned counsel for the applicant was rejected by this Court vide

order dated 8th April, 2009 and there is no change in the circumstance, thereafter and, hence, this interlocutory application may not be entertained by this Court.

3. We have perused the records and proceedings of Sessions Trial No. 285 of 2006. Looking to the evidence on record especially looking to the evidence of P.W. 3, P.W. 4 and P.W. 5, there is prima facie case against this applicant. P.W. is an informant. Looking to the evidence of these eyewitnesses, it appears that the present applicant was having firearm and he has caused firearm injury upon the deceased. Looking to the medical evidence given by P.W. 6 (Dr. Tulsi Mahto), there is enough corroboration to the deposition of the eyewitnesses. These depositions of the witnesses is constituting a prima facie case against this applicant. Moreover previously also, prayer for suspension of sentence was not granted by this Court vide order dated 8th April, 2009 and there is no change in the circumstance, thereafter. Thus, looking to the prima facie case against the present applicant and looking to the gravity of offence, quantum of punishment and the manner in which the present applicant is involved in the offence of murder of deceased, we are not inclined to suspend the sentence awarded to him by the trial court. There is no substance in the interlocutory application and, hence, the same is, hereby, dismissed. (D.N. Patel, J.) (R.R. Prasad, J.) Ajay/ 2