

(2023) 11 JH CK 0011

In the Jharkhand High Court

Case No : Criminal Appeal (SJ) No.1132 Of 2023

Chandra Kishor Gope

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 02-11-2023

Acts Referred:

Arms Act, 1959 — Section 25(1A), 26, 35

Citation : (2023) 11 JH CK 0011

Hon'ble Judges : Ratnaker Bhengra, J

Bench : Single Bench

Advocate : Anil Kumar Ganjhu, Priyanka Kumari, Rajesh Kumar

Final Decision : Allowed/Disposed Of

Judgement

Ratnaker Bhengra, J

IA (Cr.) No. 5269 of 2023

1. Heard the learned counsel for the appellant as well as the learned counsel for the State on the interlocutory application filed by the appellant for suspension of sentence during the pendency of this criminal appeal.

This criminal appeal was directed against the judgment of conviction dated 25.03.2023 and the order of sentence dated 28.03.2023, passed by the learned Sessions Judge, Khunti in Sessions Trial Case No. 75 of 2022, whereby and whereunder, the appellant has been convicted for the offence under section 25(1-A) of the Arms Act and sentenced to undergo RI for 7 years and fine of Rs.5,000/- and in default of fine further sentenced to undergo SI for 6 months and further convicted for the offence under sections 26/35 of the Arms Act and sentenced to undergo RI for 5 years and fine of Rs.5000/- and in default of fine further sentenced to undergo SI for 6 months.

The learned counsel for the appellant has submitted that apart from the aforesaid sections, which have been alleged, the appellant was acquitted of the

section 17 of the Criminal Law (Amendment) Act and, therefore, the seriousness of the offence is considerably reduced. The learned counsel has further submitted that from the possession of the appellant two live cartridges and one mobile phone were recovered. The learned counsel has further submitted that the co-accused, namely, Manoj Barla in IA No. 7096 of 2023 in Cr. Appeal (SJ) No. 375 of 2023, from whom one loaded country made pistol, one live cartridge and one mobile phone were recovered, has been granted bail by this Court vide order dated 19.09.2023. The learned counsel has further submitted that there is no independent witness rather seizure witnesses are police personnel. The learned counsel has further submitted that the appellant is in custody since 25.03.2023 and during trial, the appellant was on bail. The learned counsel has further submitted that the appellant has no other criminal antecedent.

4. Learned counsel for the State has vehemently opposed this interlocutory application for suspension of sentence, during the pendency of this criminal appeal and has submitted that all the witnesses have corroborated their evidences with each other and the country made pistol and cartridges were found effective and dangerous for human life during the examination by the Sergeant Major and that the said arms and ammunition comes within the purview of prohibited arms and ammunition.

Having gone through the records of the case, considering the arguments advanced by the learned counsel for the parties, also considering the period of custody already spent by the appellant and in the facts and circumstances of the case, the appellant, named above, is ordered to be released on bail, during pendency of this appeal, on executing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Khunti in connection with Sessions Trial Case No. 75 of 2022 arising out of Jariyagarh P.S. Case no. 01 of 2022, G.R. Case No. 173 of 2022, subject to the condition that the appellant shall submit self-attested photocopy of his Aadhar Card and mobile number before the learned court below which he will always keep active and will not change it during pendency of the case without prior permission of the Court.

Accordingly, IA (Cr.) No. 5269 of 2023 stands allowed and disposed of.