
(2011) 09 JH CK 0103

In the Jharkhand High Court

Case No : I.A. (Cr) No. 2488 of 2010 in Cr. App. (D.B) No. 1277 of 2008

Khedu Mahto and Fulia Devi @ Fulu Mahatain

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 23-09-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 389(1)
Penal Code, 1860 (IPC) — Section 201, 302, 34

Citation : (2012) 2 JCR 374

Hon'ble Judges : Rakesh Ranjan Prasad, J;Dhirubhai Naranbhai Patel, J

Bench : Division Bench

Final Decision : Allowed

Judgement

D.N. Patel, J.—Present application I.A. (Cr.) No. 2488 of 2010, has been preferred u/s 389(1) of the Code of Criminal Procedure for getting suspension of sentence awarded by the Additional Sessions Judge, F.T.C.-2, Bokaro vide judgement and order of conviction dated 12.08.2008. The present applicants were punished for the offence punishable under Sections 302 read with Section 201/34 of the Indian Penal Code.

2. Having heard learned Counsel for both the sides and looking to the evidences on record, there is a, prima facie case in favour of the present applicants.

3. As the Criminal appeal is pending, we are not much analyzing the evidence on record. Suffice it to say that chain of circumstance, prima facie is not complete in the present case as also has been observed earlier by a Division Bench of this Court while suspending the sentence awarded to the husband of the deceased, namely, Kirti Mahato while passing the order dated 8th July, 2010.

4. Looking to the totality of the facts and circumstances of the case and the evidences on record, we hereby, suspend the sentence awarded to the present applicants, who are father-in-law and the mother-in-law of the deceased. They are also in custody since 8.8.2008 i.e. for more than three years and they are of

advance age. Moreover, the husband of the deceased, namely, Kirti Mahato was also granted bail by suspending the sentence vide order dated 8th July, 2010.

5. Thus, looking to the evidences on record, we also suspend the sentence, awarded to the present applicants awarded by the trial court, during the pendency of this appeal, on furnishing bail bond of Rs. 10,000/- (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of Additional Sessions Judge, F.T.C.-2, Bokaro, in Sessions Trial No. 159 of 1999, on the conditions that they shall be available as and when this Court requires their presence and also on a condition that these applicants shall not leave the State of Jharkhand without prior permission of this Court.

6. Hence, this application is allowed and disposed of.