

(2011) 09 JH CK 0086

In the Jharkhand High Court

Case No : I.A. (Cr.) No. 1205 of 2011 in Cr. Appeal (DB) No. 672 of 2007

Munshi Mahto @ Munshi Kumar Mahto

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 23-09-2011

Acts Referred:

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

Citation : (2011) 09 JH CK 0086

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

Bench : Division Bench

Final Decision : Dismissed

Judgement

D.N. Patel, J.—The present interlocutory application has been preferred u/s 389 of the Code of Criminal Procedure for suspension of sentence, awarded by the Additional Sessions Judge, Koderma, in Sessions Trial No. 71 of 2001 whereby, the present Appellant has been punished for the offence punishable under Sections 302 of the Indian Penal Code for life imprisonment.

2. Having heard counsel for both the sides and looking to the evidences on record, it appears that there is prima facie case against the present Appellant . There are enough evidences against the present Appellant . As the criminal appeal is already pending, we are not much analyzing the evidences on records, but, suffice it to say that the case of the prosecution is based upon the depositions of the eye witnesses which have given enough corroboration of the deposition of the other prosecution witnesses. Moreover, previously on four different occasions, prayer for suspension of sentence of the present Appellant was not granted by this Court. This is 5th attempt.

3. In view of these facts and looking to the gravity of the offence, the quantum of punishment and the manner in which the present Appellant is involved in the offence, as alleged by the prosecution, we are not inclined to suspend the sentence, awarded to the present Appellant , by the trial court.

4. There is no substance in this interlocutory application. Hence, the same is, hereby, dismissed.