
(2011) 12 JH CK 0087
In the Jharkhand High Court
Case No : Criminal Appeal No. 683 of 2002

Nooruddin Ansari and Others	Vs	APPELLANT
The State of Jharkhand		RESPONDENT

Date of Decision : 16-12-2011

Acts Referred:

Penal Code, 1860 (IPC) — Section 147, 149, 304, 323, 34

Citation : (2012) 1 JLJR 92

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Judgement

Mr. Justice R.K. Merathia

1. This appeal has been filed against the judgement of conviction dated 01.10.2002 and order of sentence dated 03.10.2002 passed by the learned Additional Sessions Judge, Fast Track Court No. -III, Garhwa in Sessions Trial No. 285 of 1997, convicting the appellants under sections 304 Part-II, 149, 147, 323/34 IPC and sentencing them to undergo R.1 for five years.

2. Mr. A.K. Kashyap, learned senior counsel appearing for the appellants, argued only on the question of sentence. He submitted that this case relates to the occurrence alleged to have taken place far back on 18.10.1996 and the appellants have remained in jail for about 13 months in jail out of the total period of sentence of five years. He further submitted that in lieu of further sentence, appellants are ready to deposit a sum of Rs. 50,000/-, jointly or severally, which may be given to the informant / or his family members.

3. Mr. Ravi Prakash, learned counsel appearing for the State, could not dispute this submission.

4. Accordingly, while affirming the judgment of conviction passed by the trial court against the appellants, the order of sentence is modified to the period already undergone by the appellants in jail, subject to the deposit of Rs. 50,000/- in the Trial Court, either jointly or severally, within two months from

today. If the said amount is deposited, the appellants who are on bail, will be discharged from the liabilities of their respective bail bonds. However, if the appellants fail to deposit the said amount, they will have to undergo further imprisonment of one year. On deposit of such amount, the learned Trial Court will inform the informant / or his family members to appear before it and receive the same. The informant /" or his family members will be at liberty to withdraw the said amount.

5. With this modification in the sentence, this appeal stands disposed of.