
(2019) 12 JH CK 0148

In the Jharkhand High Court

Case No : Criminal Appeal (S.J.) No. 985 Of 2019, I.A. No. 9520 Of 2019

Pappu Kumar Verma @ Pappu Verma

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 10-12-2019

Acts Referred:

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

Citation : (2019) 12 JH CK 0148

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Avnish Ranjan Mishra, Ajay Kumar, Laxmi Murmu

Judgement

1. Heard Mr. Avnish Ranjan Mishra, learned counsel appearing on behalf of the appellant along with Mr. Ajay Kumar, Advocate.

2. Heard Ms. Laxmi Murmu, learned counsel appearing on behalf of the State.

3. This appeal has been filed for the following reliefs: -

â??That this criminal appeal is directed against the judgment of conviction dated 28.08.2019 and order of sentence dated 31.08.2019

passed in Sessions Trial no. 290/2016 arising out of Kotwali PS case no 51/2009 corresponding to GR no. 276/2009 u/s 25(1-A)26/35 Arms

Act, 1959 passed by Ld. Additional Judicial Commissioner VI, Ranchi, whereby the Appellant was convicted u/s 25(1-A)26/35 Arms Act,

1959 and was sentenced for undergo R.I. for 5 Years and fine of Rs. 5000/- and in default of payment of fine the Appellant has also to

undergo simple imprisonment for a period of three months. All the sentences was to run concurrently.â??

I.A. No. 9520 of 2019 in Cr. Appeal (S.J.) No. 985 of 2019

4. The learned counsel for the appellant submits that one interlocutory application being I.A. No. 9520 of 2019 has been filed for suspension of sentence and for release of the appellant on bail during the pendency of this appeal. The learned counsel by referring to the impugned judgment dated 28.08.2019 passed by the learned court below submits that the appellant has been convicted by alleging joint possession of the recovered arms with one Rajesh Kumar Mahto. He refers to the impugned judgment to indicate that upon being searched by the Police a country-made pistol and a live cartridge were recovered only from the possession of Rajesh Kumar Mahto and no article was recovered from the possession of the present appellant. He further submits that considering the aforesaid facts and circumstances of the case, the sentence of the appellant be suspended.

5. The learned counsel for the State while opposing the prayer does not dispute that there has been no recovery from possession of the appellant independently and the appellant has been convicted by indicating that the arms were in joint possession of the appellant and the specific recovery has been made from possession of co-accused, namely, Rajesh Kumar Mahto.

6. After hearing the counsel for the parties and considering the facts and circumstances of this case, this Court finds that the appellant has been convicted on joint possession of the arms, although the specific recovery of the arms has been made from possession of one Rajesh Kumar Mahto.

7. Considering the aforesaid facts and circumstances of this case, the sentence of the appellant is hereby suspended and the appellant is directed to be enlarged on bail during the pendency of this appeal, on furnishing bail bond of Rs. 25,000/- (Rupees twenty-five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Judicial Commissioner VI, Ranchi in Sessions Trial No. 290/2016 arising out of Kotwali P.S.

Case No. 51/2009, subject to the following conditions: -

(a) The appellant should deposit the entire fine amount as awarded by the learned court below before furnishing the bail bond.

(b) The appellant would deposit a self-attested copy of his Aadhar Card along with his Mobile Number which he shall not change during the pendency of this case.

(c) One of the bailors should be his close family members.

(d) The appellant would ensure to mark his attendance before the local police

station of his residence once in a month. In case of failure to do so, the Officer In-charge of the Police Station shall report to the learned court below and the bail bond of the appellant will be immediately cancelled by the learned court below.

8. Post this case on 04.02.2020 under appropriate heading.

9. Let this order be communicated to the learned court below through â??FAXâ??.