
(2020) 06 JH CK 0060

In the Jharkhand High Court

Case No : I.A. No. 3199 Of 2020 In Cr. Appeal (S.J.) No. 231 Of 2020

Rana Gope

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 29-06-2020

Acts Referred:

Arms Act, 1959 — Section 25(1A), 26(2)
Code Of Criminal Procedure, 1973 — Section 389(1)

Citation : (2020) 06 JH CK 0060

Hon'ble Judges : Amitav K. Gupta, J

Bench : Single Bench

Advocate : Rohan Mazumdar, Priya Shrestha

Final Decision : Dismissed

Judgement

I.A. No.3199 of 2020

1. The interlocutory application has been filed under Section 389(1) of the Code of Criminal Procedure for suspension of the sentence and grant of ad-interim bail to the appellant, namely Rana Gope during the pendency of the appeal.

2. The appellant has been convicted for the offence under Sections 25 (1-A) and 26 (2) of the Arms Act vide judgment dated 28.01.2020 & 31.01.2020, passed by the court of learned Additional Judicial Commissioner-VI, Ranchi, in S.T. No.205 of 2017 and he has been sentenced to undergo R.I of five years and to pay a fine of Rs.5,000/-, on each count, in default thereof, to undergo simple imprisonment of two months for the offence under Sections 26(2) of the Arms Act.

3. Having heard learned counsel for the appellant and learned A.P.P, and on perusal of materials on record, it appears that the police personnel who were members of raiding party have been examined as witnesses and they have supported the recovery of a country-made 9 m.m., pistol and a live cartridge from the possession of the appellant.

The court below has observed that despite issuance of summons the seizure witnesses did not appear in the court below. PW-8, the Sargent Major, has testified that on ballistic examination the pistol & cartridge were found to be functional and effective.

4. In view of the materials on record, I am not inclined to to suspend the sentence and enlarge the appellant on bail, accordingly I.A. No.3199 of 2020 stands rejected. If the appeal is not taken up for hearing by June, 2021, the appellant is at liberty to renew his prayer for bail.

5. With the said direction the interlocutory application is, hereby, rejected.