
(2011) 09 JH CK 0104

In the Jharkhand High Court

Case No : I.A. (Cr.) No. 1482 of 2011 in Cr. Appeal (DB) No. 734 of 2008

Sheikh Jiaur @ Sheikh Jiaur

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 376(2), 379

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 —
Section 3(2)

Citation : (2011) 09 JH CK 0104

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

Bench : Division Bench

Final Decision : Allowed

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, dated 4th April, 2008 awarded by the Additional Sessions Judge, 1stcumSpecial Judge, S.C. & S.T., Dhanbad in Sessions Trial No. 35 of 2006 whereby, the present Appellant was convicted for the offence punishable under Sections 379, 376(2)(g) of the Indian Penal Code and u/s 3(2)(v) of the S.C. and S.T. (P.A.) Act.

2. Having heard counsel for both the sides and looking to the fact that except the present Appellant, rest of the coaccused have already been enlarged on bail by suspending sentence, awarded by the trial court in two different orders of this Court dated 12th July, 2011 in I.A. No. 1170 of 2011 and dated 17th October, 2008 in I.A. No. 1352 of 2008. The case of the present Appellant is alike with those coaccused, as referred hereinabove.

3. We, therefore, suspend the sentence, awarded by the trial court and the present Appellant namely, Sheikh Jiaur @ Sheikh Jiaur, is hereby, enlarged on bail, during pendency of this appeal, on furnishing bail bond of Rs.10,000/ (ten thousand) with two sureties of the like amount each to the satisfaction of the

trial court (Additional Sessions Judge, 1stcumSpecial Judge, S.C. and S.T., Dhanbad) in connection with Sessions Trial No. 35 of 2006, subject to the conditions that:

(i) the Appellant shall be available as and when the Court requires the presence of the Appellant .

(ii) the Appellant shall not leave the State of Jharkhand without prior permission of this Court.

4. This interlocutory application is allowed.