
(2014) 12 JH CK 0077
In the Jharkhand High Court
Case No : Cr. A. (D.B.) No. 540 of 2013

Vijay Pandit and Others

APPELLANT

Vs

The State of Jharkhand

RESPONDENT

Date of Decision : 01-12-2014

Acts Referred:

Citation : (2014) 12 JH CK 0077

Hon'ble Judges : Virender Singh, C.J.;Dhirubhai Naranbhai Patel, J

Bench : Division Bench

Advocate : Jitendra Shankar Singh, Advocates for the Appellant; S.S. Choudhary, A.P.P, Advocates for the Respondent

Judgement

Virender Singh, C.J.—All the appellants, namely, Vijay Pandit, Rajesh Pandit, Sarita Devi, Sita Ram Pandit, Bhagirath Pandit and Indra Devi are praying for suspension of sentence during the pendency of the main appeal. They stand convicted along with their three co-accused, namely, Ramdeo Pandey @ Pandit, Nathan Turiya and Santoshi Kumari. These three co-convicts have filed their three separate appeals bearing Cr.A.(D.B) No. 429 of 2012 CrA.(D.B.) No. 473 of 2012 and Cr.A.(D.B.) No. 815 of 2012.

2. Records reveal that Santoshi Kumari {appellant in Cr.A.(D.B.) No. 815 of 2012} has already been granted the concession of substantive sentence by this Court vide its order dated 19.12.2012 whereas the same relief has been declined to Nathan Turiya {appellant in Cr.A.(D.B.) No. 429 of 2012} and Ramdeo Pandey {appellant in Cr.A.(D.B.) No. 473 of 2012}.

3. Keeping in view the totality of facts of the case where Santoshi Kumari has already been granted concession of suspension of substantive sentence by this Court vide order dated 19.12.2012, in our considered view, appellants, namely, Sarita Devi and Indra Devi also deserve the same relief. However, appellants, Vijay Pandit, Rajesh Pandit, Sita Ram Pandit and Bhagirath Pandit are on different footing, as such do not deserve the said relief. Ordered accordingly.

4. Viewed thus, we hereby suspend the substantive sentence awarded to appellants, Sarita Devi and Indra Devi in Sessions Trial No. 99 of 2010 upon execution of their bail bonds of Rs. 15,000/- (Rs. Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Trial Court with an undertaking that both the appellants shall make themselves available during the pendency of the instant appeal as and when called. They will also give an undertaking that they shall not change their residential address without permission of this Court.

5. At this stage, Mr. Singh states that since the case of the prosecution hinges upon circumstantial evidence only, which according to him is of very weak character, the main appeal may be heard at an early date.

6. An effort shall be made to take up the main appeal in the month of April, 2015, however looking at our disposal of old cases filed earlier to this appeal.