

(2019) 11 JH CK 0070

In the Jharkhand High Court

Case No : Criminal Appeal (S.J.) No. 1134 Of 2019, I.A. No. 10793 Of 2019

Yamuna Gupta @ Jamunaji And Ors

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 25-11-2019

Acts Referred:

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

Citation : (2019) 11 JH CK 0070

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Pankaj Srivastava, Priya Shrestha

Judgement

I.A. No. 10793 of 2019

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

"That this appeal is directed against the judgment of conviction dated 16.09.2019 and order of sentence dated 30.09.2019 passed by the learned Court of Sri Manoj Chandra Jha, Additional Sessions Judge-VI, Garhwa in Session Trial Number-329/2011 [arising out of G.R. Case No. 908/11 (corresponding to Dhurki P.S. Case No. 43/11)] whereby and where under the appellants has been convicted under the various sections of Arms Act.

The appellant number 1 has been convicted under Sections 25(1A), 25(1B)a and 26 Arms Act and has been sentenced to undergo Rigorous Imprisonment for six years and fine of Rs. 3000/- for the offence punishable under Section 25(1A), R.I. of three years and fine of Rs. 3000/- for the offence punishable under Section 25(1B)a and R.I. for five years and fine of Rs. 3000/- for the offence punishable under Section 26 Arms Act, and in default of payment of each fine to undergo simple imprisonment of three months for each default.

The appellant number 2 has been convicted under sections 25(1)(a), 25(1A), 25(1B)a and 26 Arms Act and has been sentenced to undergo R.I. of five years

and fine of Rs. 3000/- for the offence punishable under Section 25(1)(a), Rigorous Imprisonment for seven years and fine of Rs. 3000/- for the offence punishable under Section 25(1A), R.I. of three years and fine of Rs. 3000/- for the offence punishable under Section 25(1B)a and R.I. for five years and fine of Rs. 3000/- for the offence punishable under Section 26 Arms Act, and in default of payment of each fine to undergo simple imprisonment of three months for each default.

The appellant number 3 has been convicted under sections 25(1B)a and 26 Arms Act and has been sentenced to undergo R.I. of two years and fine of Rs. 3000/- for the offence punishable under Section 25(1B)a and R.I. for one year and fine of Rs. 3000/- for the offence punishable under Section 26 Arms Act, and in default of payment of each fine to undergo simple imprisonment of three months for each default.

The appellant number 4 has been convicted under sections 25(1B)a, 25(1) (a) and 26 Arms Act and has been sentenced to undergo Rigorous Imprisonment for three years and fine of Rs. 3000/- for the offence punishable under Section 25(1B)a, R.I. of six years and fine of Rs. 3000/- for the offence punishable under Section 25(1)(a) and R.I. for five years and fine of Rs. 3000/- for the offence punishable under Section 26 Arms Act, and in default of payment of each fine to undergo simple imprisonment of three months for each default."

2. Counsel for the appellants submits that one interlocutory application being I.A. No. 10793 of 2019 has been filed for confirmation of provisional bail of appellant No. 3 and suspension of sentence during the pendency of this appeal. The learned counsel submits that the learned court below has granted the provisional bail to the appellant No. 3 on 30.09.2019 which has been extended for one month on 05.11.2019, and accordingly he submits that the provisional bail granted to the appellant by the learned court below is yet to expire. He further submits that the present petition is otherwise defect free and the case may be admitted and the Lower Court Records may be called for.

3. Counsel appearing on behalf of the State has no serious objection to the prayer made by the counsel appearing on behalf of the appellant No. 3 for confirmation of provisional bail of the appellant No. 3.

4. After hearing the counsel for the parties and considering the facts and circumstances of this case, the provisional bail granted to the appellant No. 3 by the learned court below vide order dated 30.09.2019 and extended for one month vide order dated 05.11.2019, is hereby confirmed subject to the following conditions: -

(a) The fine amount imposed by the impugned judgment be deposited before the learned court below within a period of two weeks.

(b) The appellant No. 3 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.

Cr. Appeal (S.J.) No. 1134 of 2019

5. Admit.

6. Office is directed to call for the Lower Court Records from the court concerned.

7. Post this case on 04.02.2020 under appropriate heading.

8. Let a copy of this order be communicated to the court concerned through 'FAX'.