

(2024) 06 JH CK 0021

In the Jharkhand High Court

Case No : Criminal Appeal (S.J.) No. 70 Of 2024

Yaseen Raieen @ Guddu

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 18-06-2024

Acts Referred:

Indian Penal Code, 1860 — Section 34, 307, 323, 341, 448, 504, 506

Citation : (2024) 06 JH CK 0021

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Sunil Singh, S. P. Jha, Faruque Ansari

Final Decision : Disposed Of

Judgement

Sanjay Kumar Dwivedi, J

I.A. No.1812 of 2024

1. This is an admitted Criminal Appeal (S.J.). The L.C.R has been received.

2. The instant I.A. has been filed for suspension of sentence.

3. The learned counsel for the appellants submits that there are five appellants and they have been convicted in connection with Sessions Trial Case no.11 of 2022, arising out of Daltonganj Town P.S. Case No.243 of 2020, corresponding to G.R. Case No.781 of 2021 under sections 448/34, 323/34, 341/34, 307/34, 504/34, 506/34 of the Indian Penal Code and have been sentenced to undergo R.I for 5 years for offence under section 307/34 of the IPC and fine of Rs.5000/- and in default of fine, appellants to go R.I for 3 months and further the appellants to go S.I for 1 month for offence under section 341/34 and fine of Rs.500/- and in default of fine, to go R.I for 15 days and further appellants to go under R.I for 6 months for offence under section 323/34 and fine of Rs.500/- and in default of fine, appellants to go R.I for 15 days and further appellants to go R.I for 1 year for offence under section 504 /34 and fine of Rs.500/- and in default

of fine appellants to go R.I. for 15 days and further appellants to go R.I for 1 years for offence under section 506/34 of the IPC and fine of Rs.500/- and in default of fine, appellants to go R.I for 15 days and further the appellants to go R.I. for 6 months for offence under section 448/34 and fine of Rs.500/- and in default of fine appellants to go R.I. for 15 days and all the sentences are directed to run concurrently. He submits that there is land dispute between the parties and there are utterances on behalf of both the sides. He further submits that appellant no.1 and 2 have been in judicial custody from 04.02.2021 to 29.06.2021 and appellant nos. 3 to 5 have been in judicial custody from 22.01.2021 to 22.01.2021 for one day only and thereafter after conviction they are in custody since 22.01.2024. He submits that P.W.1, P.W.2 and P.W.3 are interested witnesses and P.W.1 and P.W.2 are victim and P.W.3, P.W.5 and P.W.6 have been declared hostile. By way of referring the statement of the P.W.1 he submits that he has admitted regarding the altercation with regard to drainage and P.W.2 has stated that occurrence took place due to parking of scooty. He submits that there are contradiction on statement of witnesses and the learned court has been pleased to convict the appellants and there is every chance that the appellants will be acquitted.

4. The learned State counsel as well as the learned counsel for the informant opposed the prayer on the ground that the injury is there and they have been convicted.

5. Considering that there are contradiction in the statement of the P.W.1 and P.W.2 with regard to cause of occurrence itself, I am inclined to suspend the sentence, during the pendency of this appeal.

6. Accordingly, upon suspending the sentence, the appellants namely, Yaseen Raieen @ Guddu, Rinku Raieen, Naushad Raieen, Akbar Raieen and Irshad Raieen are directed to be released on bail, during the pendency of this appeal, on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each, with two sureties of the like amount each, to the satisfaction of the learned Sessions Judge, Palamau, at Daltonganj, in connection with Sessions Trial Case no.11 of 2022, arising out of Daltonganj Town P.S. Case No.243 of 2020, corresponding to G.R. Case No.781 of 2021.

7. I.A. No.1812 of 2024 stands allowed and disposed of.