

Shyam Soni @ Shambhu Soni Vs The State of Jharkhand

Court: Jharkhand High Court

Date of Decision: Sept. 10, 2012

Acts Referred: Penal Code, 1860 (IPC) â€” Section 302, 365

Hon'ble Judges: P.P. Bhatt, J; D.N. Patel, J

Bench: Division Bench

Advocate: P.K. Rana and P.K. Puraiyar, for the Appellant; T.N. Verma, Assistant Public Prosecutor, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

D.N. Patel, J.

Present criminal appeal has also been admitted vide order dated 23rd of August, 2012. The record of proceeding of

Sessions Trial was called for from the Trial Court so as to appreciate the arguments for suspension of sentence. We have heard the Learned

Counsels for both the sides on the prayer for suspension of sentence awarded by the Trial Court to the present appellant and we have perused the

record of proceeding of the Trial Court.

2. Having heard the Learned Counsels for both the sides and looking to the evidence on record of the Sessions Trial, there is a prima facie case

against the present appellant-accused. As the criminal appeal is pending, we are not much analyzing the evidence on record. Suffice it to say that

looking to the deposition of the prosecution case, especially P.W. -7 and P.W. -8 to be read with the deposition given by other prosecution

witnesses and also looking to Ext.-3 and Ext. 3/1 and also looking to the fact that several incriminating articles have been recovered, upon the

statement of the co-accused and these articles have also been identified by the informant-P.W.-7, the evidences collectively constitute prima facie

case against the appellant-accused and also looking to the gravity of the offence and quantum of punishment, we are not inclined to suspend the

sentence awarded by the District & Sessions Judge-I-cum-Special Judge, Dhanbad in Sessions Trial No. 606 of 2009, whereby the appellant-

accused has been convicted mainly for the offence punishable u/s 302 of the Indian Penal Code as well as for the offence punishable u/s 365 of the

Indian Penal Code for seven years by the order of sentence dated 31.5.2012. Thus, there is no substance in prayer for suspension of sentence of

the appellant-accused and the same is hereby rejected.