

IN THE HIGH COURT OF JHARKHAND AT RANCHI
I.A. (Cr.) No. 886 of 2015
in
Cr. Appeal (D.B.) No. 1112 of 2012

Nandu Baitha, son of Jagan Baitha, Resident of Village Tikurajgura, P.O. &
P.S. Kuru, District Lohardaga. ... Appellant

Versus

The State of Jharkhand ... Respondent

**CORAM: HON'BLE MR. JUSTICE D.N. PATEL
HON'BLE MR. JUSTICE S. CHANDRASHEKHAR**

For the Appellant : M/s Laljee Sahay, Arun Kr Sinha, Advocates
For the State : Mr. V.K. Gupta, A.P.P.

09/Dated: 4th September, 2015

Oral order:

Per D.N. Patel, J.:

1. The present interlocutory application has been preferred under Section 389 of the Code of Criminal Procedure for suspension of sentence, awarded by the Sessions Judge, Lohardaga in Sessions Trial No. 37 of 2010/42 of 2010 whereby, the present applicant has been convicted mainly for the offence punishable under Section 302 of the Indian Penal Code.

2. Having heard counsel for both the sides and looking to the evidences on record, the case of the prosecution is based upon more than one eye witnesses who are P.W.1, P.W.2 and P.W.3 and looking to their evidences on record, they have clearly narrated the role played by this applicant in causing murder of the deceased which constitutes prima facie case against this applicant. As the criminal appeal is pending, we are not much analyzing the evidences on record, but, suffice it to say that evidence given by P.W.5 is corroborative to the evidence given by P.W.1, P.W.2 and P.W.3. Previously also, the prayer for suspension of sentence of the applicant was rejected by this Court by a detailed speaking order dated 6th February, 2013 and there is no change in circumstance whatsoever thereafter.

3. In view of these facts and looking to the gravity of the offence, quantum of punishment and prima facie case against this applicant, we are not inclined to suspend the sentence, awarded to the present applicant.

4. There is no substance in this interlocutory application and hence, the same is, hereby, dismissed.

(D.N. Patel, J.)

(S. Chandrashekhara, J.)

VK