

IN THE HIGH COURT OF JHARKHAND AT RANCHI
I.A. No.2236 of 2020
In
Cr. Revision No.1554 of 2019

Md. Gulzar Hussain Ansari **Petitioner**

Versus

The State of Jharkhand **Opp. Party**

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA

For the Petitioners : Mr. Suraj Singh, Advocate
For the State : Ms. Vandana Bharti, A.P.P
For the Informant : Mr. Pankaj Srivastava, Advocate

06/Dated: 14th September, 2020

I.A. No.2236 of 2020

1. This interlocutory application has been filed under Section 401 of the Code of Criminal Procedure for suspension of the sentence and grant of ad-interim bail, to the petitioners, during the pendency of the revision.

2. The petitioner was convicted for the offence under Section 326 read with Section 34 of the Indian Penal Code and sentenced to undergo R.I. of 3 years and to pay a fine of Rs.1,000/- in default thereof, to further undergo S.I. for 6 months by the court of learned Chief Judicial Magistrate, Jamshedpur in G.R. Case No.1820 of 2010. The judgment was affirmed by the court of learned Additional Sessions Judge - XIII, Est Singhbhum, Jamshedpur, in Criminal Appeal Nos.107 of 2019 and conviction under Section 326 I.P.C was modified by holding the petitioner guilty for the offence under Section 325 of I.P.C and with modification of sentence from 3 years to R.I of 2 years and a fine of Rs.1,000/-, in default thereof, to further undergo R.I of one month.

3. Having heard learned counsel for the petitioner and the objection of learned A.P.P, assisted by learned counsel for the informant, and on perusal of materials on record, it appears that the petitioner and the informant are own brothers. As per the injury report, proved by P.W. - 4, the doctor has opined that there was disfigurement of nose and in his cross-examination he has stated that the informant had not disclosed to him as to how the informant sustained injury on

the nose. P.W. - 4 has opined that the injury on nose was caused by biting.

Considering, the fact, that the petitioner is in custody for more than six months, I am inclined to suspend the sentence and enlarge the petitioner on bail, during the pendency of the revision, on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamshedpur, in connection with G.R. No.1820 of 2010/ T.R. No.527 of 2019, subject to the condition that the petitioner shall deposit the fine amount of **Rs.1,000/-** (One thousand) in the court below.

4. I.A. No.2236 of 2020 stands allowed.

Cr. Revision No.1554 of 2019

1. Learned counsel for the informant has submitted that the informant (O.P. No.02) has also preferred Cr. Revision No.267 of 2020, against the aforesaid judgment for enhancement of the sentence, and prays that the instant revision be heard alongwith he said revision.

2. Office to list the instant revision along with Cr. Revision No.267 of 2020, under the appropriate heading, in seriatim.

(AMITAV K. GUPTA, J.)

Chandan