

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No. 147 of 2021

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|------------------------|--------|-----|------------|
| 1. Sarholi Mundain | | | |
| 2. Mangrita Kumari | --- | --- | Appellants |
| | Versus | | |
| The State of Jharkhand | --- | --- | Respondent |

CORAM: **Hon'ble Mr. Justice Aparesh Kumar Singh**
 Hon'ble Mrs. Justice Anubha Rawat Choudhary
 Through: Video Conferencing

For the Appellants: Mr. Rishi Pallava, Advocate
For the Respondent: Mr. Manoj Kr. Mishra, A.P.P

04 / 09.09.2021 Heard Mr. Rishi Pallava, learned counsel nominated by the Jharkhand High Court Legal Services Committee to represent the appellants and learned A.P.P Mr. Manoj Kumar Mishra on the prayer for condonation of delay of 477 days in preferring the instant Memo of Appeal made through I.A. No. 3653/2021.

2. Learned counsel for the appellants submits that the appellants being poor, could not prefer appeal within time and are undergoing custody since 18.03.2017. They made a request for legal aid and thereafter, present appeal has been filed by him on being nominated by the Jharkhand High Court Legal Services Committee. Therefore, delay may be condoned, otherwise they may suffer irreparably.

3. Learned A.P.P has serious opposition to the prayer.

4. On consideration of the submission of the parties and on being satisfied with the grounds urged, delay is condoned. I.A. No. 3653/2021 stands disposed of.

5. Both these appellants along with Balku Munda and Ramkeshwar Munda stand convicted for the offence punishable under sections 302/34 of the Indian Penal Code and sections 3 / 4 of Prevention of Witch (Daain) Practices Act, 1999 by the impugned judgment dated 18.09.2018 passed in Sessions Trial No. 196/2017 by the Court of learned Additional Sessions Judge-I, Gumla and all the convicts have been sentenced to undergo R.I for life with a fine of Rs. 50,000/- each and default sentence each under section 302/34 of the Indian Penal Code and they have been further sentenced to undergo R.I for one month and four months respectively under section 3 and 4 of Prevention of Witch (Daain) Practices Act, 1999, by the impugned order of sentence dated 25.09.2018.

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6. Admit.
7. Call for the lower court records in connection with Sessions Trial No. 196/2017 from the Court of learned Additional Sessions Judge-I, Gumla.
8. Learned counsel for the appellants submits that co-convict Ramkeshwar Munda has preferred Cr. Appeal (DB) No. 52/2020. Office to verify whether lower court records have been summoned in that appeal.
9. The prayer for suspension of sentence made through I.A. No. 3656/2021 shall be considered after receipt of the lower court records.

(Aparesh Kumar Singh, J)

(Anubha Rawat Choudhary, J)

Ranjeet/