

IN THE HIGH COURT OF JHARKHAND AT RANCHI

I.A. No. 44 of 2021

In

Cr. Appeal (DB) No. 247 of 2020

Sushil Gope @ Sada Gope @ Deyla Gope --- --- Appellant  
Versus  
1. The State of Jharkhand  
2. Kismati Devi --- --- Respondents

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

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For the Appellant: Mrs. Suman Tripathy, Advocate  
For the Respondent: Mrs. Nehala Sharmin, A.P.P

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07 / 06.09.2021

**I.A. No. 44 of 2021**

1. Heard Mrs. Suman Tripathy, learned counsel appearing on behalf of the appellant on the point of condonation of delay.
2. Heard Mrs. Nehala Sharmin, learned counsel appearing on behalf of the State.
3. This Interlocutory Application has been filed for condonation of delay of 295 days in filing the instant appeal. Learned counsel submits that the appellant being a poor person, could not approach this Court within the stipulated time frame and he could not prefer this appeal earlier. Therefore, delay in filing the appeal may be condoned.
4. Learned counsel appearing on behalf of the State does not have any serious objection, so far as condonation of delay is concerned.
5. After hearing the learned counsel for the parties and being satisfied with the cause shown by the appellant regarding delay in filing the present appeal, the delay in filing the appeal is hereby condoned. I.A. No. 44 of 2021 is allowed.

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6. At this, learned counsel for the appellant submits that the present appeal may be admitted for final hearing and L.C.R may be called for and she would be pressing the Interlocutory Application for suspension of sentence i.e, I.A. No. 2644 of 2020 after receipt of L.C.R.
7. The present appeal has been filed against the judgment of conviction dated 02.03.2019 and order of sentence dated 06.03.2019 passed by the learned

Sessions Judge, West Singhbhum, Chaibasa in Sessions Trial No. 01 of 2015 arising out of Muffasil P.S. Case No. 107 of 2014 corresponding to G.R. Case No. 523 of 2014, whereby the sole appellant has been held guilty for the offence punishable under Sections 307, 354 and 341 of I.P.C and has been sentenced to undergo rigorous imprisonment for ten years with a fine of Rs. 2,000/- under section 307 of the Indian Penal Code and in default in payment of fine, rigorous imprisonment for three months; rigorous imprisonment for three years with a fine of Rs. 1,000/- under section 354 of the Indian Penal Code and in default in payment of fine, rigorous imprisonment for one month and further sentenced to undergo simple imprisonment for one month with a fine of Rs. 500/- under section 341 of the Indian Penal Code and in default in payment of fine, simple imprisonment for ten days.

8. Admit.

9. Call for the Lower Court Record from the Court of learned Sessions Judge, West Singhbhum, Chaibasa in Sessions Trial No. 01 of 2015.

10. Prayer for suspension of sentence will be considered after receipt of Lower Court Records.

11. Let a copy of this order be communicated to the court concerned through 'FAX'.

**(Aparesh Kumar Singh, J)**

**(Anubha Rawat Choudhary, J)**

Ranjeet/