

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Criminal Appeal (DB) No. 592 of 2019

Tubung @ Dubung @ Nauru Dohra

--- --- Appellant

Versus

State of Jharkhand

--- --- Respondent

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CORAM: HON'BLE MR. JUSTICE APARESH KUMAR SINGH

HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

Through Video Conferencing

For the Appellant : Mr. Parwez Ahmad Khan, Advocate

For the Respondent : Mr. Rajneesh Vardhan, A.P.P.

08/05.04.2021 The sole appellant stands convicted by the impugned judgment dated 19.03.2008 for the charge under Section 302 and 201 of the I.P.C passed by learned 2nd Additional Sessions Judge, Chaibasa in Sessions Trial No. 42 of 2006 and has been sentenced to undergo R.I. for life and fine of Rs.10,000/- with default clause by the impugned order of sentence dated 31.03.2008. No separate sentence has been imposed under Section 201 I.P.C.

The instant appeal has been preferred after a huge delay of 4028 days through learned counsel Mr. Parwez Ahmad Khan, nominated by the Jharkhand High Court Legal Services Committee on the request of the appellant / convict. Learned counsel for the appellant submits that delay is not intentional. Appellant could not manage to file the appeal all this while, though he is entitled to legal aid. However, on this fact coming to the notice, legal aid has been provided to the appellant/ convict. Learned A.P.P. Mr. Rajneesh Vardhan appears for the State.

Having considered the submissions of learned counsel for the parties and the circumstances discussed above, delay is condoned. I.A. No. 8573 of 2019 seeking condonation of delay stands disposed of.

In terms of the order dated 01.03.202, a report has been received from the Superintendent, BirsaMunda Central Jail, Hotwar, Ranchi which states that appellant has served the actual custody of 15 years 5 months and 20 days under the impugned conviction and a total of 20 years 11 months and 21 days including the remission period. However, the case of the convict/ appellant for remission of the sentence is pending before the Jharkhand State Sentence Review Board. Appellant is still undergoing custody.

Admit.

Call for the Lower Court Records in connection with Sessions Trial No. 42 of 2006 from the Court of 2nd Additional District & Sessions Judge, Chaibasa.

(Aparesh Kumar Singh, J.)

(AnubhaRawatChoudhary)