

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Criminal Appeal (DB) No. 270 of 2020

Bimal Kindo

--- --- 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 : Ms. Pinki Kumari, Advocate

For the Respondent : Mr. Anup Pawan Topno, A.P.P.

06/05.04.2021 The appellant stands convicted by the impugned judgment dated 22.08.2019 for the charge under Section 302/34 of the I.P.C. and Section 27(1) of the Arms Act, though acquitted from the charge under Section 120(B) of the I.P.C. passed by learned District & Additional Sessions Judge-III, Gumla in S.T. Case No. 108 of 2014 and has been sentenced to undergo R.I. for life and a fine of Rs.5000/- with default clause under Section 302/34 of the I.P.C and further sentenced to undergo R.I. for 3 years with a fine of Rs.2000/- with default clause under Section 27(1) of the Arms Act by the impugned order of sentence dated 28.08.2019. The other co-accused Deepak Nag, however has been acquitted from the charges under Section 302/34 /120(B) of the I.P.C and 27(1) of the Arms Act.

The appeal suffers from delay of 120 days for condonation of which I.A. No. 1897 of 2021 has been preferred.

Having considered the submission of learned counsel for the parties and the explanation furnished, delay is condoned. I.A. stands disposed of.

Admit.

Call for the Lower Court Records in connection with S.T. Case No. 108 of 2014 from the court of learned District & Additional Sessions Judge-III, Gumla.

It appears from perusal of the impugned judgment that Basia P.S. Case No. 73 of 2013 corresponding to G.R. Case No. 1088 of 2013 was registered under Section 302/120B/34 of the I.P.C. and under Section 27(1) of the Arms Act against the accused Deepak Nag(acquitted by the impugned judgment), Bambali Sahu, Rajesh Sahu, Vinay Sahu, Bimal Kindo (appellant), Kaleshwar Sahu, Ranglal Sahu, Tileshwar Sahu, one unknown muslim miscreant and on completion of investigation charge sheet was submitted against the Bimal Kindo, Deepak Nag and Umesh Sahu and the investigation was kept pending against accused persons

namely Vinay Sahu, Rambali Sahu, Rajesh Sahu, Tileshwar Sahu, Kauleshwar Sahu, Ranglal Sahu, Muneshwar Sahu, Amar Baitha, Jitiya Oraon, Chhotu Sahu, Subash Sahu, Sitaram Sahu, Rajkumjar Sahu @ Raj @ Seraj and Dipu Ram. Cognizance was taken against 3 charge-sheeted accused named above. During pendency of the sessions trial accused Umesh Sahu passed away. The case was prosecuted against remaining charge-sheeted accused Bimal Kindo (appellant) and Deepak Nag. However, it does not appear as to what happened to the investigation which was pending against above named accused persons.

Learned A.P.P. shall seek instructions and file specific affidavit in this regard within a period of 4 weeks.

Let the name of Mr. Anup Pawan Topno, learned A.P.P be reflected in the cause list in place of erstwhile counsel, henceforth.

(Aparesh Kumar Singh, J.)

(AnubhaRawatChoudhary)