



HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 329 of 2021

1. Devishanker @ Nanu S/o Madhuram Pando, Aged About 22 Years, R/o Village Basapara Ranai, Police Station Patna, District Koriya (Baikunthpur), Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
2. Ramashanker @ Rama S/o Madhuram Pando Aged About 19 Years R/o Village Basapara Ranai, Police Station Patna, District Koriya (Baikunthpur), Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
3. Mankunwar W/o Madhuram Pando Aged About 50 Years R/o Village Basapara Ranai, Police Station Patna, District Koriya (Baikunthpur), Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
4. Ravishanker @ Bablu S/o Madhuram Pando Aged About 24 Years R/o Village Basapara Ranai, Police Station Patna, District Koriya (Baikunthpur), Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
5. Vinod Kumar Pando @ Gulab S/o Hariram Pando Aged About 27 Years R/o Village Basapara Ranai, Police Station Patna, District Koriya (Baikunthpur), Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh
6. Madhuram @ Madhu S/o Late Ghasiram Pando Aged About 52 Years R/o Village Basapara Ranai, Police Station Patna, District Koriya (Baikunthpur), Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Appellants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Patna, District Koriya (Baikunthpur) Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

05/01/2022	Shri Ajay Kumar Pandey, Advocate for the appellants. Shri Rajendra Tripathi, P.L. for the State/respondent. Heard on I.A.No.1/2021, application for suspension of sentence and grant of bail to the appellants. The appellants have been convicted and sentenced by the judgment of conviction and order of sentence dated 02-02-2021 passed in Sessions Case No.42/2018 by the Additional Sessions Judge (FTC) Baikunthpur, District Koriya (Chhattisgarh), in the following manner with direction to run all the jail sentences concurrently :-



Sl. No.	Conviction	Sentence
1.	U/s 148 of the IPC	R.I. for 2 years and fine of Rs.500/-, in default of payment of fine further six months imprisonment,
2.	U/s 302/149 of the IPC	Life imprisonment and fine of Rs.2000/-, in default of payment of fine further six months imprisonment,
3.	U/s 307/149 of the IPC	R.I. for 10 years and fine of Rs.2000/-, in default of payment of fine further six months imprisonment.

It is submitted by learned counsel for the appellants that conviction of the appellants is erroneous without there being any basis of evidence of prosecution beyond reasonable doubt. The only witness of this case is Tuleshwar (PW-1) who was in company of the deceased when the incident occurred. His statement before the Court is full of contradictions, therefore, the same is doubtful. This witness was not personally acquainted with any of the accused persons and in the test identification parade conducted later on the identification procedure was conducted in the presence of police officers, regarding which he has made admissions that the accused persons were brought by the police to the place where they were to be identified. Rest of the witnesses of prosecution have not supported the prosecution case. Hence, the appellants have a good case to argue. Therefore, it is prayed that they may be enlarged on bail during pendency of the appeal against them.

Learned State counsel opposes the application and submits that the statement of Tuleshwar (PW-1) has been scrutinized and relied upon by the learned trial Court and therefore, there is no error in judgment of conviction against the appellants. Hence, the application may be rejected.

Considered on the submissions and perused the evidence present in the record of the trial Court. We are of the considered view that it is not a fit case in which the appellants should be granted bail during pendency of this appeal.



Accordingly, I.A.No.1/2021, application for suspension of sentence and grant of bail is rejected.

Sd/-
(R.C.S. Samant)
Judge

Sd/-
(Arvind Singh Chandel)
Judge

