

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.621 of 2015

Arising Out of PS.Case No. -235 Year- 2013 Thana -MOHANIA District- BHABHUA (KAIMUR)

Kallu Faruki, Son of Shahu Faruki, Resident of Village - Akhalashpur, P.S.
- Bhabhua, District - Kaimur (Bhabhua).

.... Appellant

Versus

The State of Bihar

.... Respondent

Appearance :

For the Appellant/s : Mr. Viveka Nand Singh, Advocate

For the Respondent/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 09-11-2015

Heard learned counsel for the appellant and learned
counsel for the State.

The appellant has been convicted under Sections
392 and 411 of the Indian Penal Code and sentenced to undergo
R.I. for three years and to pay a fine of Rs. 5,000/- under Section
392 and R.I. for two years and to pay a fine of Rs. 3,000/- under
Section 411 of the Indian Penal Code.

Since the prayer for suspension of sentence has
been refused by the appellate court vide order dated 22.07.2015,
the present appeal has been filed under Section 389(2) of the
Code of Criminal Procedure.

It is contended that by now the appellant has remained in custody for over two years and there is no likelihood of the appeal being taken up for hearing in near future.

It would appear from the record that the appellant was caught red-handed while committing robbery and stolen articles were recovered from his possession.

In that view of the matter, I am not inclined to allow the petition filed on behalf of the appellant. Accordingly, the appeal is rejected.

Since the appellant is in custody for over two years, the learned Additional Sessions Judge-1st, Kaimur at Bhabhua is directed to dispose of the appeal on merits within two months from the date of receipt/production of a copy of the order.

(Ashwani Kumar Singh, J.)

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