

Party Name : SANKAR MANDAL Vs THE STATE OF TRIPURA

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. Ratan Dutta, learned counsel appearing for the appellant-applicant as well as Mr. A. Ghosh, learned Public Prosecutor appearing for the state.

This is a petition filed under Section 389 of the Cr.P.C. for suspending the sentence as recorded in the judgment and order dated 22.01.2015, delivered in S.T. No.32(ST/U)/2014 by the Sessions Judge, Gomati Judicial District, Udaipur.

Mr. Ratan Dutta, learned counsel, has submitted that the appellant-applicant has been convicted under Section 120B of the IPC and sentenced to suffer five years rigorous imprisonment with fine of `5,000, in default of payment of fine, to suffer further six months simple imprisonment.

Having regard to the said judgment and order, it appears that another accused has been convicted under Section 376(1) of the IPC.

However, on a cursory glance to the evidence as apparently recorded by the trial court, this court is of the opinion that the impugned sentence may be suspended and the appellant-applicant may be allowed to remain on bail on furnishing a bail bond of `20,000 (rupees twenty thousand), supported by two sureties of the like amount to the satisfaction of the Sessions Judge, Gomati Judicial District, Udaipur. In addition thereto, the appellant-applicant shall file an undertaking that if any further action is taken after the connected appeal, being Crl.A.(J) No.2/2015 is disposed of, he shall appear before that proceeding without any excuse whatsoever.

Mr. A. Ghosh, learned Public Prosecutor has appeared and submitted that the State, at this stage, would not raise any objection regarding the suspension of sentence.

Accordingly, this petition stands allowed and disposed of.