

Party Name : SADHAN SHIL Vs THE STATE OF TRIPURA

THE HONBLE MR. JUSTICE S.TALAPATRA

Heard Ms. P Ghatak learned counsel appearing for the petitioner as well as Mr. R.C Debnath learned Addl. P.P. appearing for the State.

This is a petition under Section 389 of the Cr.P.C. for suspending the sentence passed in terms of the impugned judgment dated 03.03.2015 delivered in S.T 74(ST/B) of 2013 by the Sessions Judge, South Tripura, Belonia.

The petitioner has been convicted for committing offence punishable under Sections 323/342/353 of the I.P.C. as well as under Section 307 of the IPC.

Ms. Ghatak, learned counsel has read the testimonies of PW-1 and PW-12 to show that there was no intention to kill the victim, PW-1.

But from the reading what appears that the transaction was dangerous in nature and whether that would constitute the intention to kill the victim by the accused can only be gathered after appreciation of the entire record of evidence. Hence, this Court is not inclined to suspend the sentence.

In the result, this petition stands dismissed.

However, before parting with the records, as Ms. Ghatak, learned counsel appearing for the petitioner has urged for early hearing of the appeal as the petitioner is in jail, this Court finds it to be appropriate to hear the appeal expeditiously.

Accordingly, the Registry is directed to prepare the paper book within 15 days, as the LCRs has already been received by them and list this appeal for hearing on **25th June, 2015.**