

BEFORE
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE VED PRAKASH VAISH

Crl. M.C. No.21 of 2016

In

Crl.A. No.3 of 2016

21.10.2016

In Sessions Case No.16 of 2012 in the Court of Sessions Judge, East Khasi Hills District, Shillong, the petitioner-appellant has been convicted for the offences under Sections 364A/302 of the Indian Penal Code ('IPC') by the judgment dated 07.04.2016 and has been sentenced, inter alia, to life imprisonment by the order dated 12.04.2016.

Seeking suspension of execution of sentence during the pendency of appeal (Crl.A.No.3 of 2016), it is contended by the learned counsel for the petitioner-appellant that the chain of alleged circumstances has not been established in the present case; and though the petitioner-appellant was sought to be connected with the crime with reference to an alleged phone call, but no witness has uttered a word about the phone call and the details of phone calls were not placed before the Court so as to connect the petitioner-appellant with the crime in question.

Having heard the learned counsel for the petitioner-appellant and having perused the record and the findings recorded by the learned Trial Court while convicting the petitioner-appellant for the offences under Sections 364A/302 IPC, it is noticed that the learned Trial Court has found unbroken chain of circumstances, inclusive of the calls from the mobile phone alleged to be of the petitioner-appellant that was allegedly recovered from the toilet; and that the appellant led the Investigating Agency to the place where the dead body of the kidnapped child was found; and the Taxi of the appellant bearing No. ML05 D 2302 was found carrying blood-stains, which matched with the blood group of the victim.

Looking to the totality of circumstances, the nature of accusations and findings of the learned Trial Court, even while not expressing any opinion on the merits of the case which shall be considered in appeal, we are not inclined to order suspension of execution of sentence. Of course, the appeal could be considered for hearing at the earliest.

With the observations foregoing, this application for suspension of execution of sentence (Crl.M.C. No.21 of 2016) is dismissed.

Learned counsel for the appellant submits that he shall be filing the paper book within four weeks. On filing, the office shall compare the paper book and place the appeal for hearing immediately after comparing.

JUDGE

CHIEF JUSTICE

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Item No.9