

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**I.A. No. 5135 of 2014**  
**In**  
**Cr. Appeal (DB) No. 670 of 2014**

Joga Kui, wife of Late Goma Bodra, resident of village-Matkumbera, PO & PS- Kiraikella, District- West Singhbhum Chaibasa, Jharkhand... **Appellant**

Versus

The State of Jharkhand

**...Respondent**

**CORAM: - HON'BLE MR. JUSTICE VIRENDER SINGH, CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE P.P. BHATT.**

For the Appellant : Mr. Amresh Kumar, Advocate  
For the State : Mr. Pankaj Kumar, APP

**Order No.06/Dated: 30th July, 2015**  
**Per Virender Singh, C.J.**

**I.A. No. 5135 of 2014**

There appears to be delay of 1801 days' in filing the instant appeal, which is through JHALSA, for the reasons that the appellant could not engage any lawyer from his side on account of financial and other constraints.

For the reasons mentioned in the application and there being no objection from the side of the State, we, hereby, condone the aforesaid delay.

Instant application is allowed, as prayed for.

Accordingly, I.A. No. 5135 of 2014 stands disposed of.

**Cr. Appeal (DB) No. 670 of 2014**

Admitted.

Notice.

Call for the Trial Court Records.

On asking of the Court, Mr. Pankaj Kumar, learned Additional Public Prosecutor, accepts notice on behalf of the State.

During pendency of the appeal, appellant, namely, Joga Kui is praying for suspension of sentence.

We have heard learned counsel for both the sides and also gone through the records.

Learned counsel for the appellant submits that if one peruses the post mortem report, injury attributed to the appellant is conspicuously

missing and it appears that she has been falsely implicated along with her co-accused, who happens to be her son. Learned counsel submits that the appellant has been in custody for the last more than seven years.

Keeping in view the totality of facts and circumstances of the case and the part attributed to the appellant, she deserves the concession of suspension of sentence. Resultantly, the prayer for the said relief is granted.

Let appellant Joga Kui be released on bail, during pendency of the instant appeal, on her furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned 1<sup>st</sup> Additional Sessions Judge, West Singhbhum at Chaibasa in Sessions Trial No. 192 of 2008.

Since it is an appeal through JHALSA, the order of granting bail shall be communicated to the trial court through FAX or any other means, which Registry deems it proper.

What disturbs us more in this case is that despite the appellant not being in a position to file appeal after suffering conviction way back in 2009, the jail authorities did not bother to make an effort to file appeal on her behalf through jail so that the case of the appellant could be defended by appointing any Amicus Curiae. Had JHALSA not intervened in this case, perhaps, the present case would have gone unattended and in that eventuality, appellant would have been deprived of filing of statutory appeal. Who is responsible for this all, has to be looked into. There are many cases of such type in which appellants are languishing in jail and the State has not bothered to come forward.

Although JHALSA is very actively approaching the convicts in the jail through PLVs, nominated by them, amongst the convicts only, IG (Prison) is also supposed to take this matter very seriously, who has to ensure that if any case of this type is not attended by the State, an information is sent to the State Legal Services Authority through Chairman DLSA so that the appeal of the convicts is filed through JHALSA. Service of PLVs appointed in jail can also be utilized for this purpose, which, in turn, would achieve object of JHALSA as well.

Copy of the order shall be communicated to IG (Prison), State of Jharkhand,

Any laxity on the part of IG (Prison) or the concerned jail authorities shall be taken very seriously by the Court.

As requested, copy of the order shall be provided to Mr. Pankaj Kumar, learned Additional Public Prosecutor so that the order is transmitted to the concerned authority without any delay for its compliance.

Copy of the order be also placed before the Executive Chairperson, JHALSA for His Lordship's information.

**(Virender Singh, C.J.)**

**(P.P. Bhatt, J.)**

APK/S.B.