

IN THE HIGH COURT OF JHARKHAND AT RANCHI
I.A. No. 9631 of 2019
In
Cr. Appeal (D.B.)No. 989 of 2019

Shyam Chand Saha **Appellant**
Versus
The State of Jharkhand **Respondent**

CORAM: HON'BLE MR. JUSTICE AMITAV K. GUPTA
HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant :Mr. R.R.S. Singh, Advocate
For the State :Mr. Azeemuddin, APP

04/Dated:22.01.2020

I.A.No.9631 of 2019

1. This interlocutory application has been filed under Section 389 (1) of the Code of Criminal Procedure for suspension of the sentence and grant of ad-interim bail, to the appellant, during the pendency of this appeal.
2. The appellant has been convicted for the offence under Section 302 IPC in S.T. No. 35 of 2014 by the judgment passed by the Additional Sessions Judge-I, Rajmahal, Sahibganj.
3. Heard the learned counsel for the appellant and learned APP. It is evident from the findings of the court below that PW-5- the Doctor who had conducted post-mortem over dead body of the deceased had found that cause of death was due to cardiac respiratory failure and suspected poisoning. The viscera was preserved and sent for forensic examination. It appears that the FSL report was received by the court after the conclusion of the argument. The appellant/petitioner is the husband of the deceased. In the attending facts and circumstances, at this stage, we are not inclined to suspend the sentence and enlarge the appellant on bail.
4. In the result, I.A. No. 9631 of 2019 stands rejected.

Cr. Appeal (D.B.)No. 989 of 2019

1. It appears that the court below has taken note of the FSL report but has failed to apply the provisions of law for taking the FSL report on record and reading it as

an evidence.

2. Let the copy of the judgment of the trial court be sent to the Director, Judicial Academy, for apprising the trial court Judges regarding the provisions of law which is required to be invoked and applied by the trial courts. The settled proposition is that the trial court is required to play an active role and not be a mute spectator during trial of the case. The trial concludes on pronouncement of the judgment.

3. Registry to place a copy of the order alongwith the judgment before the Administrative Judge of Sahibganj, for needful.

(AMITAV K. GUPTA, J.)

(RAJESH KUMAR, J.)