



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 203 of 2025

Satish

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Ankit Kumar Sahu
Counsel for Respondent(s)	:	G.A., Ravi Shankar Tripathi

Court No. - 80

HON'BLE RAJEEV MISRA, J.

(Order on Appeal)

1. Heard Mrs. Pratibha Singh, Advocate, holding brief of Mr. Ankit Kumar Sahu, the learned counsel for appellant, the learned A.G.A. for State and Mr. Ravi Shankar Tripathi, Advocate, who has put in appearance on behalf of first informant/opposite party no.2.
2. Issue notice to opposite party no.3. Notice issued to opposite party no.3 shall be made returnable on 28.10.2025. Notice shall further indicate that matter shall reappear before Court as fresh on 28.10.2025.
3. Notice in respect of opposite party no.4, High Court Legal Services Committee, was served in the office of opposite party no.4 before filing the present appeal. However, in spite of service of notice, no one has put in appearance on behalf of respondent no.4 to oppose this appeal even in revised call.
4. Put up this appeal for orders as fresh on 28.10.2025.

(Order on Application for Suspension of Sentence/Bail)

1. Heard.
2. Perused the record.
3. By means of the impugned judgment and order dated 08.11.2024, passed by Additional Sessions/Special Judge, (POCSO II), District Gautam Buddha Nagar in Special Trial No. 10 of 2020, State of U.P. Vs. Satish, arising out of Case Crime No. 333 of 2019, under Sections 452 IPC & 4 POCSO Act, Police Station Badalpur, District Gautam Buddha Nagar, applicant/appellant has been convicted under Section 4 POCSO Act and 452 IPC and has been

sentenced to a maximum period of 10 years rigorous imprisonment alongwith fine. In case of default of payment of fine, applicant/appellant is to undergo additional incarceration.

4. Since applicant/appellant has been sentenced to a maximum period of ten years, therefore, in view of above and also the provision existing in proviso to section 430 BNSS the learned A.G.A. representing State/opposite party is mandatorily required to file an objection/counter affidavit to the application for suspension of sentence before any order can be passed by this Court on the aforesaid application.

5. Notice on behalf of State/opposite party no.1 has been accepted by the learned A.G.A. Mr. Ravi Shankar Tripathi, Advocate has put in appearance on behalf of opposite party no.2.

6. Issue notice to opposite party no.3. Notice issued to opposite party no.3 shall be made returnable on 28.10.2025. Notice shall further indicate that matter shall reappear before Court for orders as fresh on 28.10.2025.

7. Notice in respect of opposite party no.4 was served in the office of opposite party no.4. However, in spite of service of notice, neither any objection/counter affidavit has been filed on behalf of opposite party no.4 in opposition to this application for suspension of sentence, nor anyone has put in appearance on his behalf to oppose this application for suspension of sentence even in revised call.

8. The learned A.G.A. is granted four weeks' time to file his objections/counter affidavit to the application for suspension of sentence. Learned A.G.A. shall also bring on record the custody certificate of applicant/appellant, alongwith the counter-affidavit to be filed by him.

9. Learned counsel for applicant/appellant will have two weeks' time thereafter to file his rejoinder affidavit to the objections/counter affidavit to be filed by learned A.G.A.

10. Put up this application for orders as fresh on 28.10.2025.

September 1, 2025
Ashok Kr.

(Rajeev Misra,J.)