

Court No. - 81

Case :- CRIMINAL APPEAL No. - 439 of 2025

Appellant :- Pramod Parihar And Another

Respondent :- State of U.P.

Counsel for Appellant :- Om Prakash

Counsel for Respondent :- G.A.

Hon'ble Manoj Bajaj,J.

(Order on Appeal)

List these appeals in due course.

(Order on Suspension of Sentence Application)

Applicants-Appellants, namely, Pramod Parihar and Mithun Pal stand convicted through judgment dated 02.12.2024 passed by Additional Sessions Judge, U.P. Dacoity Affected Areas Act, 1983, Jhansi in Special Trial No.48 of 2014, titled *State of Uttar Pradesh Vs. Pramod Parihar and Mithun Pal*, arising out of Case Crime No. 217 of 2014, under Sections 392, 411 I.P.C., registered at Police Station Nawabad, District Jhansi and have been sentenced for commission of various offences alongwith fine.

Learned counsel for applicants has argued that the occurrence took place on 31.03.2014, whereas the applicants were implicated in the case after five days and the prosecution evidence is discrepant, therefore, the conviction of the applicants may not be sustainable. According to him, the appeal may not get mature for final hearing in near future, therefore, he prays for suspension of sentence.

Learned State Counsel has drawn the attention of the Court to the impugned judgment to point out that the victim Ashok Rai P.W.2 identified the accused and the testimony of the said witnesses has gone unimpeached, particularly in respect of the recovery of the

two-wheeler and cash effected from the accused convicts.

After hearing the learned counsel for the parties and considering their submissions, this Court does not find any merit in the application, keeping in view the seriousness of the offence. That apart, the applicants have undergone a period of approximately one year in custody against the sentence of ten years.

Resultantly, without meaning any expression of opinion on the merits of the case, at this stage, no case is made out for grant of suspension of sentence. The application for suspension of sentence is dismissed.

Order Date :- 28.7.2025

Raj