

Court No. - 67

Case :- CRIMINAL APPEAL No. - 1084 of 2019

Appellant :- Mohammad Haneef Khan And Anr.

Respondent :- State of U.P.

Counsel for Appellant :- Govind Saran Hajela, Saral Singh

Counsel for Respondent :- G.A., Sanjeev Kumar Trivedi

Hon'ble Rahul Chaturvedi, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

(Order on Criminal Misc. Bail Application)

Heard learned counsel for the appellants, Sri Sanjeev Kumar Trivedi, learned counsel for the respondent as well as learned A.G.A.

This criminal appeal has been preferred against the impugned judgment and order of conviction dated 10.01.2019 passed by learned Sessions Judge, Kannauj while deciding the Sessions Trial No.342 of 2015 arising out of Crime No.122 of 2015, P.S. Indargarh, District Kannauj, convicting the appellants for one year rigorous imprisonment under section 147 IPC, two years rigorous imprisonment under section 148 IPC, life imprisonment and a fine of Rs.20,000/- under section 302 read with Section 149 IPC and in default of fine, six months additional imprisonment was awarded to the appellants.

Contention raised by learned counsel for the appellants is that as per prosecution case, complainant Jeetu has lodged the FIR on 20.05.2015 at 9:00 p.m. for the incident said to have taken place at 7:00 p.m. attributing the appellants for committing the offence of murder of complainant's father by takora, farsa and dagger. This incident was witnessed by the complainant himself Jeetu, Kulkant and Ram Kumar Verma.

Learned A.G.A. has pointed out the injuries sustained by the deceased in paragraph no.21 of the impugned judgment. The deceased has sustained as many as 30 injuries over his person out of which most of the injuries are of incised wound. The weapon attributed is of takora, farsa and dagger. The weapon of assault corroborates the injuries sustained by the deceased. Learned counsel for the appellants next submits that there are contradictions in the testimonies of PW-1, PW-2 and PW-3.

We have perused the testimonies and there are minor and insignificant shift in the time of the incident.

Taking into account the nature and gravity of the offence as well as considering the number of injuries sustained by the deceased, we do not find any good reason to grant indulgence in favour of the appellants.

Accordingly, the present bail application stands REJECTED.

(Order on Appeal)

Office is directed to prepare the paper book.

List this case for final hearing in the month of December, 2023 before appropriate Court.

Order Date :- 25.7.2023

Sumit S