



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL APPEAL No. - 1997 of 2025**

Pintu Bind And 2 Others

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

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Counsel for Appellant(s) : Dharendra Kumar Srivastava  
Counsel for Respondent(s) : G.A.

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**Court No. - 80**

**HON'BLE RAJEEV MISRA, J.**

**(Ref:-Order on the Memo of Appeal)-**

1. Heard Mr. Akash Patel, Advocate, holding brief of Mr. Dharendra Kumar Srivastava, the learned counsel for appellants and the learned A.G.A. for State-opposite party-1.
2. Admit.
3. Summon the lower court record.
4. Notice on behalf of State-opposite party-1 has been accepted by the learned A.G.A.
5. Notice in respect of opposite party-4, High Court Legal Services Committee, Allahabad was served in the office of opposite party-4 before filing the present appeal. However in spite of service of notice, no one has put in appearance on behalf of opposite party-4 to oppose this appeal even in revised call.
6. Issue notices to opposite parties-2 and 3. Notices issued to opposite parties-2 and 3 shall be made returnable on 10.11.2025. Notices shall further indicate that matter shall re-appear before Court for orders as fresh on 10.11.2025.
7. Put up this appeal for orders as fresh on 10.11.2025.

**(Ref:-Order on the Application for Suspension of Sentence)-**

1. Heard Mr. Akash Patel, Advocate, holding brief of Mr. Dharendra Kumar

Srivastava, the learned counsel for applicants/appellants and the learned A.G.A. for State-opposite party-1.

2. Perused the record.

3. By means of the impugned judgment and order dated 24.01.2025 passed by Special Judge POCSO Act, Chandauli in Special Sessions Trial No.69 of 2019 (State of U.P. Versus Pintu Bind and others) arising out of Case Crime No. 147 of 2019, under Sections 147, 323, 504, 506, 354-D I.P.C. and Section 7/8 of POCSO Act, and Section 3(1)(r), 3(1)(s) SC/ST Act, Police Station Chandauli, District Chandauli, applicants-appellants have been convicted under Sections 147, 323, 504, 506, 354-D I.P.C., Section 7/8 of POCSO Act, and Section 3(1)(r), 3(1)(s) SC/ST Act but have been sentenced for a maximum period of 2 years rigorous imprisonment along with fine in case of default in payment of fine, applicants/appellants are to undergo additional incarceration.

4. Since applicants/appellants have been convicted and sentenced under the POCSO Act, therefore, no order can be passed by this Court on the application for suspension of sentence without hearing the first informant opposite party-2.

5. Notice on behalf of State-opposite party-1 has been accepted by the learned A.G.A.

6. Notice in respect of opposite party-4, High Court Legal Services Committee, Allahabad was served in the office of opposite party-4 before filing the present appeal. However in spite of service of notice, neither any objections/counter affidavit has been filed on behalf of opposite party-4 in opposition to this application for suspension of sentence nor any one has put in appearance on his behalf to oppose the application for suspension of sentence even in revised call.

7. Issue notices to opposite parties-2 and 3. Notices issued to opposite parties-2 and 3 shall be made returnable on 10.11.2025. Notices shall further indicate that matter shall re-appear before Court for orders as fresh on 10.11.2025.

8. All the opposite parties may file their respective objections/counter affidavit to the application for suspension of sentence within four weeks'. Learned A.G.A. shall also bring on record the custody certificate of

applicant/appellant alongwith the counter affidavit to be filed by him. Applicants/appellants will have two weeks' thereafter to file their rejoinder affidavit.

9. Put up this appeal for orders as fresh on 10.11.2025.

10. By the next date, the learned counsel for applicants/appellants shall file a list of dates, brief synopsis containing details of the prosecution evidence oral and documentary, material exhibits, defence evidence, points raised before court below and the findings returned by court below.

11. Learned counsel for applicants/appellants submits that subsequent to the impugned judgment and order dated 24.01.2025 passed by Court below applicant/appellant was taken into custody. Accordingly, applicants/appellants filed an application for interim bail under Section 389(3) Cr.P.C/430 BNSS, the same is allowed by Court below vide order dated 24.01.2024. Certified copy of the said order is on record as annexure SA-1 to the supplementary affidavit dated 04.03.2025. Learned counsel for applicants/appellants further submits that interim bail granted to applicants/appellants by court below was for a limited period i.e. for a period limitation provided for filing the present appeal.

12. On the above premise, the learned counsel for applicants/appellants submits that interim bail granted to applicants/appellants be extended.

13. Considering the submission urged by the learned counsel for applicants/appellants as noted above, it is hereby provided that interim bail granted to applicants/appellants by court below shall remain in force till the next date fixed.

**September 12, 2025**  
Imtiyaz

**(Rajeev Misra,J.)**