



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 3421 of 2022

Mukesh

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	: Arun Kumar Vishvakarma, Lalit Kumar Srivastava, Noor Muhammad, Yogesh Kumar Srivastava
Counsel for Respondent(s)	: G.A., Sunil Kumar Gaur

Court No. - 50

HON'BLE MANOJ BAJAJ, J.

(Order on appeal)

List this appeal on 12th February, 2026.

(Order on Suspension of Sentence Application)

Applicant, namely, Mukesh has applied for suspension of sentence during pendency of the appeal, arising against the judgment of conviction and order of sentence dated 11.04.2022 passed by Additional Sessions Judge/Special Judge (POCSO Act), court no.27, Agra in S.T. No.628 of 2013, who has been convicted under Sections 363, 366 and 376 IPC and Section 4 POCSO Act, 2012, and sentenced to fifteen rigorous imprisonment along with fine.

The applicant-convict was prosecuted through Case Crime No.239 of 2013, under Section 363, 366 and 376 IPC and Section 4 POCSO Act, 2012, registered at Police Station- Fatehpur Sikri, District- Agra.

Learned counsel for the applicant has argued that complainant has falsely implicated the applicant in the alleged case of rape due village rivalry. He further submits that the victim remained with the applicant for three days at Dharamshala. He further submits that applicant is serving the sentence pursuant to the judgment of conviction dated 11.4.2022 and after conviction have undergone a period of more than three years in custody after conviction, out of total awarded sentence of fifteen years. He prays for suspension of sentence.

The prayer is opposed by the learned State Counsel, who as argued that the victim was a minor, therefore, trial court has rightly passed the judgment of conviction against the applicant. According to him, the impugned judgment of conviction is based upon proper appreciation of evidence on record, therefore, the applicant does not deserve the concession of suspension of sentence.

Upon hearing the learned counsel for the parties and considering their submissions, particularly the period undergone by the applicant and other attending circumstances, this Court is not inclined to suspend the sentence of the applicant, at this stage.

Resultantly, without meaning any expression of opinion on the merits of the case, the application seeking suspension of sentence to the applicant is dismissed.

(Manoj Bajaj,J.)

December 5, 2025

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