

Court No. - 77

Case :- CRIMINAL APPEAL No. - 1826 of 2025

Appellant :- Khempal And 3 Others

Respondent :- State of U.P.

Counsel for Appellant :- Pankaj Satsangi

Counsel for Respondent :- G.A.

Hon'ble Manoj Bajaj,J.

(Order on appeal)

List this appeal in due course.

(Order on Suspension of Sentence Application)

Applicants-Appellants, namely, Khempal, Pramod, Indrapal and Ravi have applied for suspension of sentence during pendency of the appeal, arising against the judgment of conviction and order of sentence dated 10.02.2025 passed by Sessions Judge, Budaun in S.T. No.06 of 2016, thereby convicting the appellants under Sections 308 read with 34 IPC, 323 read with 34 IPC, 325 read with 34 IPC, followed by imposition of sentence of four years imprisonment U/s 308 read with 34 IPC with fine of Rs.5,000/-, two years imprisonment U/s 325 read with 34 IPC with fine of Rs.2,000/-, one years imprisonment U/s323/34 IPC with fine of Rs.1,000/-, with further condition that in the event of non - deposit of fine(s), convicts shall undergo further imprisonment of three months, two months and one month imprisonment.

The applicants-convicts were prosecuted through Case Crime No.151 of 2013, under Sections 308 read with 34 I.P.C, 325 read with 34 IPC, 323 read with 34 IPC and 504 IPC, registered at Police Station- Islam Nagar, District- Budaun.

Learned counsel for the applicants has argued that in all five persons had suffered injuries in the alleged occurrence and only head injury suffered by Rajesh invited the offence punishable under Section 308 IPC, whereas the rest of the injuries suffered by the injured persons were found to be simple. He submits that the applicants are serving the sentence after their conviction on 10th February, 2025, who were on bail during trial. He prays that the sentence imposed upon the applicants be suspended during the pendency of the appeal.

The prayer is opposed by the learned State Counsel, who has argued that the applicants had assaulted the complainant and others and in the occurrence five persons had suffered multiple injuries. According to him, prosecution witnesses including injured supported the case and considering the evidence on record, the trial court has convicted them. He prays that the application be dismissed.

Upon hearing the learned counsel for the parties and considering their submissions, this Court finds that the injured Rajesh had suffered fracture of skull and P.W.7 Dr. A.K. Parasher had proved the said injury. The prosecution witnesses have narrated about the participation of the applicants in the commission of crime, who have after conviction have undergone only two months in custody.

Thus, considering the nature of the offence and the period undergone by the applicants, at this stage, no case is made out for grant of suspension of sentence.

Resultantly, without meaning any expression of opinion on the merits of this case, this application under Section 430(1) B.N.S.S., 2023 for suspension of sentence application is dismissed.

Order Date :- 16.4.2025

Raj