



**HIGH COURT OF JUDICATURE AT
ALLAHABAD**

**CRIMINAL APPEAL U/S 372 CR.P.C. No. - 94 of
2024**

Madanpal

.....Appellant(s)

Versus

State Of U.P. And 9 Others

.....Respondent(s)

Counsel for Appellant(s) : Pankaj Kumar Chaube,
Rafeek Ahmad Khan
Counsel for Respondent(s) : G.A., Kamlesh Kumar
Tripathi

Court No. - 47

HON'BLE SIDDHARTH, J.

HON'BLE SANTOSH RAI, J.

1. Heard Mr. Rafeek Ahmad Khan, learned counsel for appellant, learned A.G.A. for the State-respondent No.1 and Mr. Kamlesh Kumar Tripathi, learned counsel for respondent Nos.2 to 10.

2. Learned counsel for appellant submits that in the present case the respondent Nos.2 to 10 were charge-sheeted under Section 302 IPC and accordingly charge was framed and they were tried, however, trial court has acquitted them of charges under Section 302 IPC and convicted all of the accused persons under Section 304, part-II IPC with maximum sentence of 10 years, when there was no material in this regard available on record. He has further submitted that it is a case of 21 blows given to the deceased by all the respondent Nos.2 to 10, which resulted in his death, therefore, it cannot be a case of culpable homicide not amounting to murder. It is a case of clear murder and the accused ought to have been accordingly convicted and sentenced.

3. Appeal is admitted for hearing.
4. Issueailable warrants against the respondent Nos.2 to 10. They shall obtain bail from the Court of Chief Judicial Magistrate, Mahoba and furnish undertaking that they shall appear before this Court as and when directed.
5. Photocopies of the surety bond and bail bonds shall be sent to this Court for being kept on record.
6. Trial court record has been received.
7. Office is directed to get the paper books prepared.
8. List this appeal for hearing after six months along with connected appeals.

August 26, 2025

R.S. Tiwari

(Santosh Rai,J.) (Siddharth,J.)