

Court No. - 67

Case :- CRIMINAL APPEAL No. - 4433 of 2022

Appellant :- Ram Dulari

Respondent :- State of U.P.

Counsel for Appellant :- Dhirendra Kumar Srivastava, Amit Kumar Mishra

Counsel for Respondent :- G.A.

With

Case :- CRIMINAL APPEAL No. - 4480 of 2022

Appellant :- Ramesh Kumar @ Billu

Respondent :- State of U.P.

Counsel for Appellant :- Zafar Abbas

Counsel for Respondent :- G.A., Pradeep Kumar

Hon'ble Rahul Chaturvedi, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

(Order on Sentence Suspension Application)

Heard learned counsel for the appellants as well as Sri Pradeep Kumar, learned counsel for the informant and learned A.G.A. for the State.

There are two connected appeals including the present Criminal Appeal Nos. 4433 of 2022 (Ram Dulari Vs. State of U.P.) and other 4480 of 2022 (Ramesh Kumar @ Billu Vs. State of U.P.) and they are decided together.

By means of both the appeals, appellants are assailing the legality and validity of the judgment and order of conviction dated 15.03.2022 passed by learned Additional Sessions Judge, Court No. 3, Fatehpur, while deciding the S.T. No.20 of 2019 (State of U.P. Vs. Ramesh Kumar Alias Billu and Another) arising out of Case Crime No.189 of 2018, under Sections 302, 506 IPC,

awarding sentence to both the appellants under Sections 302/34 IPC to undergo punishment of life imprisonment with a fine of Rs. 15,000/- and in default of payment of fine they shall undergo six months additional imprisonment.

Submissions advanced by the counsel for the appellants that FIR was lodged by the informant Dharmendra with the allegations that his daughter got married with Ramveer Nishad on 11.05.2018. On the day of Rakshabandhan she revealed the fact to her mother that her Jethani Ram Dulari wife of Balveer was insisting that her husband Ramveer ought to have got marriage with her sister but as per the providence she got married with Ramveer Nishad on 11.05.2018. Infuriated by this the incident took place on 27.08.2018.

From the judgement it has been culled out that Ramesh Kumar @ Billu was having illicit relationship with Ram Dulari and both of them in the furtherance of common intention has eliminated the deceased Pinki. In Page- 23 of the judgement there is a reference of DNA report regarding the DNA test of the deceased qua vagina swab of the deceased Pinki. Both of them have matched, indicates of the fact that before murdering her she was subjected sexual assault by Ramesh Kumar @ Billu and thereafter she was mercilessly eliminated by them.

As such, we do not find any good reason to exercise the power under Section 389(1) Cr.P.C. to suspend the sentence of the appellant.

Accordingly, the same is **REJECTED**.

Office is directed to prepare paper book on the priority basis and list this case for final submissions/ hearing in the month of April, 2024.

Order Date :- 30.10.2023

Israr