

Court No. - 68

Case :- CRIMINAL APPEAL No. - 4595 of 2022

Appellant : Ravendra Chauhan

Respondent :- State of U.P.

Counsel for Appellant :- Pankaj Kumar Sharma

Counsel for Respondent :- G.A., Mohit Gautam

Hon'ble Ali Zamin, J.

Order on Appeal

Heard learned counsel for the parties.

Learned counsel for the applicant-appellant submits that appellant has been convicted and sentenced under Section 307 IPC for a period of 8 years rigorous imprisonment, fine of Rs.20,000/- and in default of payment of fine 3 months additional imprisonment, vide order dated 18.6.2022, passed by learned IInd Additional District and Session Judge, Kasganj in S.T.No.186 of 2010 (State of U.P. vs. Ravendra Chauhan and another) arising out of Case Crime No.695 of 2007, under Section 307 IPC, P.S. Kasganj, District Kasganj.

Admit.

Summon the lower court record.

Notice need not be sent to the State as the learned A.G.A. has already accepted the same. He may file objection within a period of four weeks. Rejoinder affidavit, if any, may be filed within one week thereafter.

List the appeal for hearing on 23.11.2022.

As per office report dated 12.9.2022, lower court record has been received. Before listing the appeal for hearing, paper-book be prepared by the office and copy of the same, after preparation, be supplied to learned counsel for the appellant, learned counsel for the informant and learned A.G.A., according to the Rule.

Order on Bail Application under Section 389 (1) Cr.P.C.

Learned counsel for the applicant/appellant submits that appellant is 67 years old person and role of exhortation has been assigned to him. He further submits that disposal of appeal will take time, therefore, he may be enlarged on bail. He next submits that applicant-appellant undertakes that he will not misuse the liberty of bail and shall remain present before the court as and when required and he will cooperate with the hearing of the appeal.

Learned A.G.A. has opposed the bail application but could not dispute the aforesaid facts.

Considering the submissions advanced by the learned counsel for the parties, unlikelihood of early hearing of appeal due to heavy pendency and disposal of appeal will take time, totality of facts and circumstances, at

this stage, without commenting on the merit of the case, I find it a fit case for grant of bail during pendency of the appeal.

Let applicant-appellant Ravendra Chauhan be released on bail on his furnishing a personal bond and two securities each in the like amount to the satisfaction of trial Judge concerned in in S.T.No.186 of 2010 (State of U.P. vs. Ravendra Chauhan and another) arising out of Case Crime No.695 of 2007, under Section 307 IPC, P.S. Kasganj, District Kasganj and applicant-appellant will cooperate with the hearing of the appeal.

Half of the amount of fine shall remain stayed till the disposal of the appeal.

As soon as personal bond and security bonds are furnished, photocopies of the same are directed to be transmitted to this Court forthwith by trial judge concerned to be kept on the record of this appeal.

Order Date :- 28.9.2022

m.a.