

Court No. - 83

Case :- CRIMINAL APPEAL No. - 7390 of 2023

Appellant :- Ashok And 2 Others

Respondent :- State of U.P.

Counsel for Appellant :- Kedar Nath Mishra

Counsel for Respondent :- G.A.

Hon'ble Sanjay Kumar Pachori,J.

Sri Kedar Nath Mishra, learned counsel for the appellant and Sri Umesh Chandra Verma, learned A.G.A. for the State are present.

The present criminal appeal has been filed to set aside the judgment and order dated 19.04.2023 passed by Additional Sessions Judge, Court No.01, Deoria in Session Trial No. 160 of 2009, by which the trial court convicted the appellant under Section 323 IPC and granted benefit of Probation of First Offender for six months.

Learned counsel for the appellant submits that the appellant has completed probation period on 19.10.2023. It is further submitted that on the basis of same evidence appellant has been acquitted under Section 147, 304(1), 323/149 and 336/149 IPC. By the same order the appellants have been convicted under Section 323 IPC. It is further submitted that there is contradiction in the conviction order.

Admit.

Summon the original record.

Put up on 09.01.2024 as a fresh.

Order Date :- 24.11.2023

MAA/-