

Court No. - 6

Case :- CRIMINAL APPEAL No. - 5652 of 2019

Appellant :- Rajesh Singh And 4 Ors.

Respondent :- State of U.P.

Counsel for Appellant :- Ashok Kumar Mishra

Counsel for Respondent :- G.A.

Hon'ble Rajendra Kumar-IV,J.

Ref : Criminal Misc. Application No. 12 of 2020.

Heard Sri V.M. Zaidi, learned Senior Advocate assisted by Sri Paras Nath Singh, learned counsel for the appellant no. 3 and learned AGA for the State.

Accused-appellant no. 3 is Virendra Kumar Singh alias Mantu moved an application praying that sentence of appellant no. 3 as directed by impugned order dated 19.8.2019 passed by District & Sessions Judge, Ballia in S.T. No. 28 of 2007 (Case Crime No. 06 of 2007), under Sections 147, 148, 307/149, 323/149 I.P.C., Police Station Bhimpura, District Ballia be suspended during the pendency of present criminal appeal.

Learned Senior Counsel for the appellant no. 3 submits that against the order of conviction and sentence in S.T. No. 28 of 2010, the appellant no. 3 has preferred the present appeal before this Court in which Court granted bail to the accused-appellant no. 3 on 19.11.2019. It is further contended that the appellant no. 3 Virendra Kumar Singh @ Mantu is a Government servant as

Assistant Teacher in Primary School, District Mau. Since Court has granted bail to the appellant no. 3 but not suspended the execution of impugned order, therefore, appellant no. 3 may suffer irreparable loss and injury and there is possibility of departmental inquiry being conducted by department on account of conviction.

Learned AGA opposed the submission and conceded the factual submissions made by learned counsel for the appellant no. 3.

Considering the accused-appellant no. 3 being Government employee and bail granted to him during the pendency of appeal, execution of sentence shall remain suspended until further order of this Court.

Accordingly, the present application is **disposed of.**

Order Date :- 7.9.2020
Manoj