

Court No. - 67

Case :- JAIL APPEAL No. - 1405 of 2017

Appellant :- Anil

Respondent :- State of U.P.

Counsel for Appellant :- From Jail, Jitenrda Kumar Ojha, Somya Chaturvedi A.C.

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

(Order on Sentence Suspension Application)

Heard Sri Lal Chandra Mishra, holding brief of Sri Jitendra Kumar Ojha, learned counsel appearing on behalf of the appellant and learned A.G.A.

This jail appeal has been preferred against the impugned judgment and order of conviction dated 26.04.2016 passed by learned Additional Sessions Judge, Fast Track Court, Chitrakoot while deciding the Sessions Trial No.144 of 2011 arising out of Crime No.404 of 2011 P.S. Raipura, District Chitrakoot, convicting the appellant under section 302 IPC for life imprisonment and a fine of Rs.10,000/- and in default of fine, three months additional rigorous imprisonment was awarded to the appellant.

Contention raised by learned counsel for the appellant is that as per prosecution case, the FIR was lodged by one Langad@Dipak Mishra with the allegation that he along with his real brother and cousin was sleeping and in the night on 13.07.2011 around 10:30 p.m., appellant has committed the offence by assaulting the father of the informant by an axe. This incident was witnessed by other witnesses in the light of torch and lantern. The motive is also specified in the respective testimonies. Besides this, the post mortem report also indicates that the deceased has sustained cut wounds over his neck which are three in numbers, suggestive of the fact that they have assaulted by an axe. Recovery of the axe was at the pointing out of the appellant. Over the alleged recovery of the axe, human blood was found in the F.S.L. report. The circle is complete. There is ocular witness of the incident.

Accordingly, we are not inclined to grant any indulgence in favour of the appellant.

Keeping in view the nature and gravity of offence, the appellant has not made a fit case for bail.

Accordingly, the present sentence suspension application stands REJECTED.

(Order on Appeal)

It is given to understand that paper book is ready.

Learned counsel for the appellant is directed to procure the copy of the paper book as per rules within next 15 days to prepare the case on merits.

List this case for final hearing in the month of February, 2024 before appropriate Court.

Order Date :- 2.11.2023

Sumit S