

Court No. - 51

Case :- CRIMINAL APPEAL No. - 4894 of 2015

Appellant :- Kamlesh Kumar Sharma

Respondent :- State Of U.P.

Counsel for Appellant :- Jagat Narain Mishra, Krishna Dutt Mishra

Counsel for Respondent :- G.A., Anurag Shukla

Hon'ble Vipin Sinha, J.

Hon'ble Chandra Dhari Singh, J.

Heard the learned counsel for the appellant, Sri Anurag Shukla, learned counsel for the complainant and Sri Rajiv Mishra, the learned AGA for the State on the bail application moved on behalf of accused – appellant.

In the present case bail is being sought in appeal against the order of conviction.

We have perused the judgment and order dated 28.9.2015 passed by the trial court convicting the appellant.

Learned counsel for the appellant contended that since the first informant as well as abductee were having some monetary problems and since the appellant was doing the business of Palledari, the appellant has been falsely implicated, however, the learned counsel for the appellant contends that the appellant was never doing Palledari and he has been falsely shown that he was doing Palledari. Further contention is that the appellant was known to Vandana Maheshwari, the wife of the person who was abducted; the injured witness has never been produced or examined by the trial court and it was for the first time in the court Vandana Maheshwari has identified the appellant; there was no identification parade.

Learned counsel for the complainant as well as learned AGA have opposed the prayer for bail with the contention that there is no reason of false implication; the person, who was abducted, is a high profile business man of the area and the abduction was done to obtain ransom; the payment of ransom has also been proved.

In view of the aforesaid facts and circumstances, no case for grant of any indulgence is made out. The bail application moved on behalf of appellant is hereby **rejected** at this stage.

Since the lower court record has been received, the hearing of the appeal be expedited under Chapter-VIII Rule 33A of the Rules of Court.

Let the paper book be prepared within two months from today and thereafter appeal be listed for hearing before appropriate Bench.

It is hoped and expected that the hearing of the appeal be concluded within a period of fourteen months from today.

Liberty is given to both the appellants that if the hearing of the appeal is not done within a period of fourteen months from today, he may file a fresh bail application after a period of fourteen months.

Order Date :- 29.3.2018/Kuldeep