

Court No. - 67

Case :- CRIMINAL APPEAL No. - 10319 of 2023

Appellant :- Yadram

Respondent :- State of U.P.

Counsel for Appellant :- Anwar Hussain, Avinash Mani Tripathi

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

Connect with Criminal Appeal No.10098 of 2023 (Phool Singh and another vs. State of U.P.).

Heard learned counsel for the appellant and learned A.G.A. Perused the judgment.

This is an appeal u/s 374(2) of Cr.P.C. assailing the legality and validity of judgment and order dated 14.8.2023 passed by the learned Additional District & Sessions Judge/Fast Track Court-2, Firozabad while deciding S.T. No.99 of 2015 (State vs. Yadram and 4 others), arising out of Case Crime No.348 of 2014, u/s 302/34, 201/34 I.P.C., Police Station-Jasrana, District Firozabad.

Learned counsel for appellant has raised number of legal as well as factual aspects of the issue which could be well appreciated after having lower court record.

Since maximum sentence awarded to the appellant is life imprisonment u/s 302/34 I.P.C., and therefore, in consonance with the provisions u/s 389(1) to Proviso of the Cr.P.C., an opportunity to file written objection has to be given to the State.

Admit.

Summon the lower court record (if already not summoned in connected appeal).

Learned A.G.A. is allowed six weeks' time to file written objection/counter affidavit. Rejoinder affidavit may be filed within two weeks thereafter.

List this appeal immediately after expiry of aforesaid period before appropriate Bench along with the lower court record.

It is made clear that application of appellant u/s 389(1) Cr.P.C. shall be heard and decided only after having lower court record and counter affidavit/objection from the State.

Order Date :- 18.10.2023

M. Kumar