



**HIGH COURT OF JUDICATURE AT
ALLAHABAD**
CRIMINAL APPEAL No. - 6936 of 2025

Rakesh

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s) : Akash Mishra, Amit Daga
Counsel for Respondent(s) : G.A.

Connected with

Criminal Appeal No. 3290 of 2025

Arvind.....Appellant

Vs.

State of U.P. and 3 others.....Respondents.

Court No. - 80

HON'BLE RAJEEV MISRA, J.

(Order on the Memo of Appeal)

1. Heard Mr. Amit Daga, the learned counsel for appellant and the learned A.G.A. for State.
2. Admit.
3. Summon the lower court record.
4. Notice on behalf of State opposite party 1 has been accepted by the learned A.G.A.
5. Notice in respect of opposite party 3 High Court Legal

Services Committee was served in the Office of opposite party 3 before filing the present appeal. However, in spite of service of notice, no one has put in appearance on behalf of opposite party 3 to oppose this appeal even in revised call.

6. Vide order dated 16.5.2025 this Court issued notices to opposite parties 2, 3 and 4. on the delay condonation application. Office has submitted a report dated 9.9.2025 stating therein that notices issued to opposite parties 2 and 3 have been served. However, in spite of service of notice, no one has put in appearance on their behalf to oppose this appeal even in revised call.

7. Put up this appeal for orders as fresh on 19.11.2025.

Ref.: Order on the application for suspension of sentence.

1. Heard Mr. Amit Daga,, the learned counsel for applicant appellant and the learned A.G.A. for State opposite party 1.

2. Perused the record.

3. By means of the impugned judgement and order dated 18.02.2025/19.2.2025 passed by Additional Sessions Judge (F.T.C. CAW) Jhansi in Session Case No. 195 of 2020 (State Vs. Rakesh and another) arising out of Case Crime No. 643 of 2019, under Sections 363, 366, 376, 506 IPC, Sections 3/4 POCSO Act and Sections 3(2) 5 S.C./S.T. Act, Police Station Mauanipur, District Jhansi, applicant/appellant has been convicted under Sections 363, 366, 376, 506 IPC and Sections 3/4 POCSO Act but has been sentenced to a maximum of 20 years rigorous imprisonment along with fine. In case of default in payment of fine, applicant appellant is to undergo 6 months additional incarceration.

4. Sentence awarded to applicant appellant by Court below is more than 10 years, therefore, in view of above and also the provisions existing in Section 430 (1)

B.N.S.S., the learned A.G.A. representing State opposite party 1 is mandatorily required to file his objection/counter affidavit to the application for suspension of sentence before any order can be passed by this Court on aforementioned application.

5. Learned A.G.A. shall, accordingly, file his objection/counter affidavit to the application for suspension of sentence within 4 weeks. Learned A.G.A. shall also bring on record the custody certificate of applicant/appellant alongwith the counter affidavit to be filed by him. Applicant/appellant will have two weeks thereafter to file his rejoinder affidavits.

6. Put up again for orders as fresh on 19.11.2025.

7. On the next date, the learned counsel for applicant/appellant shall file a list of dates, brief synopsis containing details of the prosecution evidence oral and documentary, material exhibits, defence evidence, points raised before court below and the findings returned by court below.

September 24, 2025
HSM

(Rajeev Misra,J.)