

Court No. - 80

Case :- CRIMINAL APPEAL No. - 4955 of 2025

Appellant :- Anuj Singh

Respondent :- State of U.P.

Counsel for Appellant :- Dharmendra Singh, Virendra Singh

Counsel for Respondent :- G.A.

Hon'ble Rajeev Misra, J.

(Ref:-Order on the Memo of Appeal)-

1. Heard Mr. Dharmendra Singh, the learned counsel for appellant and the learned A.G.A. for State-opposite party-1.
2. At the very outset, the learned counsel for appellant submits that due to inadvertence first informant/prosecutrix has not been impleaded as party respondent in present appeal even though she is a necessary party as the applicant-appellant has been convicted and sentenced under Section 376 I.P.C. also. He therefore, seeks permission of Court to amend the cause title of the memo of appeal as well as application for suspension of sentence.
3. Prayer made by the learned counsel for appellant is bona-fide. Same is not opposed by the learned A.G.A.
4. Accordingly, it is allowed.
5. Let necessary amendment/correction in the cause title of the memo of appeal as well as application for suspension of sentence be carried out by the learned counsel for appellant during course of the day.
6. Admit.
7. Summon the lower court record.
8. Notice on behalf of State-opposite party-1 has been accepted by the learned A.G.A.
9. Issue notice to opposite party-2. Notice issued to opposite party-2 shall be made returnable on 05.09.2025. Notice shall further indicate that matter shall re-appear before Court for orders as fresh on 05.09.2025.
10. Put up this appeal for orders as fresh on 05.09.2025.

(Ref:-Order on the Application for Suspension of Sentence)-

1. Heard Mr. Dharmendra Singh, 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 judgment and order, applicant-appellant has been convicted under Sections 376, 506 IPC and has been sentenced for a maximum period of 10 years rigorous imprisonment along with fine.
4. In view of above and also the provisions existing in Section 430 BNSS, the learned A.G.A. for State-opposite party-1 is mandatorily required to file his objections/counter affidavit to the application for suspension of sentence before any order can be passed by this Court on the aforementioned application.
5. Notice on behalf of State-opposite party-1 has been accepted by the learned A.G.A.
6. Issue notice to opposite party-2. Notice issued to opposite party-2 shall be made returnable on 05.09.2025. Notice shall further indicate that matter shall re-appear before Court for orders as fresh on 05.09.2025.
7. All the opposite parties may file their respective objections/counter affidavit to the application for suspension of sentence within 4 weeks'.
8. Learned A.G.A. shall also bring on record the custody certificate of applicant-appellant along with counter affidavit to be filed by him.
9. Applicant-appellant will have 2 weeks' thereafter to file his rejoinder affidavits.
10. Put up this appeal for orders as fresh on 05.09.2025.
11. By the next date, the learned counsel for applicant-appellant shall file a list of dates, brief synopsis containing the details of prosecution evidence (oral and documentary), material exhibits, defence evidence, points raised before Court below and the findings returned by Court below.

Order Date :- 25.7.2025/Imtiyaz