

Court No. - 80

Case :- CRIMINAL APPEAL No. - 5546 of 2025

Appellant :- Ramu Alias Radharaman And 3 Others

Respondent :- State of U.P.

Counsel for Appellant :- Girja Shanker Sen, Krishna Dutt Awasthi

Counsel for Respondent :- G.A., Sushil Kumar Pandey

Hon'ble Rajeev Misra, J.

1. Heard Mr. K.D. Awasthi, the learned counsel for applicants/appellants, the learned A.G.A. for State and Mr. Sushil Kumar Pandey, the learned counsel representing first informant.
2. Vide order dated 07.07.2025, the present appeal was admitted, trial Court record was summoned and the learned A.G.A. was directed to file the custody certificate of applicants/appellants.
3. Office has submitted a report dated 07.08.2025 stating therein that the trial Court record is awaited. In view of above, office is directed to expedite the summoning of trial Court record.
4. Learned counsel for applicants/appellants seeks permission of the Court to amend the description occurring at the first page of the memo of appeal.
5. Prayer made by the learned counsel for applicants/appellants is bona-fide. Same is not opposed by the learned A.G.A.
6. It is, accordingly, allowed.
7. Let necessary amendment in the memo of appeal at the first page of the paper book be carried out by the learned counsel for applicants/appellants during course of the day.
8. By means of the impugned judgment and order, applicants-appellants have been convicted and sentenced for a maximum period of 15 years rigorous imprisonment along with fine.
9. In view of above and also the provisions existing in proviso to Section 430 BNSS, the learned A.G.A. for State 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.

10. Notice on behalf of State-opposite party-1 has been accepted by the learned A.G.A. Mr. Sushil Kumar Pandey, Advocate has put in appearance on behalf of first informant.

11. All the opposite parties may file their respective objections/counter affidavits to the application for suspension of within 4 weeks. Learned A.G.A. shall bring on record the custody certificate of applicants-appellants along with counter affidavit to be filed by him as already directed, vide order dated 07.07.2025 passed by this Court.

12. Applicants-appellants will have 2 weeks thereafter to file his rejoinder affidavits to the same.

13. Put up this appeal for orders as fresh on 22.09.2025.

14. By the next date, the learned counsel for applicants-appellants 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 :- 11.8.2025

Vinay