

Court No. - 80

Case :- CRIMINAL APPEAL No. - 6859 of 2025

Appellant :- Yogesh

Respondent :- State Of U.P. And 3 Others

Counsel for Appellant :- Mukesh Kumar

Counsel for Respondent :- G.A.

Hon'ble Rajeev Misra,J.

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

1. Heard Mr. Mukesh Kumar, 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. Issue notice to opposite parties 2 and 4. Notices issued to opposite parties-2 and 4 shall be made returnable on 17.09.2025. Notices shall further indicate that matter shall re-appear for orders as fresh on 17.09.2025.
6. Notice in respect of opposite party-3 i.e. High Court Legal Services Committee, High Court, Allahabad has already been 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.
7. Put up this appeal for orders as fresh on 17.09.2025.

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

1. Heard Mr. Mukesh Kumar, 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 dated 08.07.2025 passed by Special Judge (POCSO Act)/Additional District and Sessions Judge, Court No.-30, Agra in Special Sessions Trial No. 982 of 2024 (State Vs. Arvind and Others), arising out of Case Crime No. 138 of 2024, under Sections

376DA, 506 IPC and Sections 5G/6 of the POCSO Act, Police Station-Sikandara, District-Agra, applicant-appellant has been convicted under Section 6 of the POCSO Act and Section 395 BNSS but has been sentenced for a maximum period of 20 years rigorous imprisonment along with fine.

4. Since applicant/appellant has been convicted under the POCSO Act also, therefore, no orders can be passed by this Court on the application for suspension of sentence/prayer for bail without first hearing the first informant-opposite party-2.

5. Notice on behalf of State-opposite party-1 has been accepted by the learned A.G.A.

6. Issue notice to opposite parties 2 and 4. Notices issued to opposite parties-2 and 4 shall be made returnable on 17.09.2025. Notices shall further indicate that matter shall re-appear for orders as fresh on 17.09.2025.

7. Notice in respect of opposite party-3 i.e. High Court Legal Services Committee, High Court, Allahabad has already been served in the office of opposite party-3 before filing the present appeal. However, in spite of service of notice, neither any counter affidavit has been filed by opposite party-3 in opposition to this application for suspension of sentence/prayer for bail nor any one has put in appearance on behalf of opposite party-3 to oppose this application for suspension of sentence even in revised call.

8. All the opposite parties may file their respective counter affidavits to the application for suspension of sentence within 4 weeks. Learned A.G.A. shall 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 to the same.

10. Put up this appeal for orders as fresh on 17.09.2025.

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 :- 6.8.2025/Vinay