



**HIGH COURT OF JUDICATURE AT
ALLAHABAD**
CRIMINAL APPEAL No. - 7583 of 2025

Mahmood

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Neeraj Srivastava
Counsel for Respondent(s)	:	G.A.

Court No. - 80

HON'BLE RAJEEV MISRA, J.

(Order on the Memo of Appeal)

1. Heard Mr. Neeraj Srivastava, 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 notices to opposite parties-2 and 3. Notices issued to opposite parties-2 and 3 shall be made returnable on 16.10.2025. Notices shall further indicate that matter shall re-appear before Court for orders as fresh on 16.10.2025.
6. Notice in respect of opposite party-4, High Court Legal Services Committee, High Court Allahabad was already served in the office of opposite party-4 before filing the present appeal. However, in spite of service of notice, no one has put in appearance on behalf of opposite party-4 to oppose this appeal even in revised call.

7. Put up this appeal for orders as fresh on 16.10.2025.

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

1. Heard Mr. Neeraj Srivastava, the learned counsel for applicant/appellant and the learned A.G.A. for State.

2. Perused the record.

3. By means of the impugned judgement and order dated 26.07.2025 passed by Additional District and Sessions Judge/Special Judge (POCSO Act), Siddharth Nagar in Special Criminal (Sexual) Case No. 02 of 2016 (State Vs. Mahmood) arising out of Case Crime No. 1132 of 2015 under Sections 363, 376, 506 I.P.C and Section 3/4 of the POCSO Act, Police Station-Siddharth Nagar, District-Siddharth Nagar, applicant/appellant has been convicted under Sections 363, 376 I.P.C and Section 3/4 of the POCSO Act but has been sentenced to a maximum period of 7 years rigorous imprisonment alongwith fine.

4. Since applicant/appellant has been convicted and sentenced under the provisions of POCSO Act also, therefore, no order can be passed by this court on the application for suspension of sentence 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 notices to opposite parties-2 and 3. Notices issued to opposite parties-2 and 3 shall be made returnable on 16.10.2025. Notices shall further indicate that matter shall re-appear before Court for orders as fresh on 16.10.2025.

7. Notice in respect of opposite party-4, High Court Legal Services Committee, High Court Allahabad was already served in the office of opposite party-4 before filing the present appeal. However in spite of service of notice, neither any objection/counter affidavit has been filed on behalf of opposite party-4 in opposition to this

application for suspension of sentence nor any one has put in appearance on his behalf to oppose the application for suspension of sentence even in revised call.

8. All the opposite parties may file their respective objections/counter affidavits to the application for suspension of sentence within four 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.

9. Put up this appeal again for orders as fresh on 16.10.2025.

10. By 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

August 27, 2025

YK

(Rajeev Misra,J.)