

Court No. - 80

Case :- CRIMINAL APPEAL No. - 7232 of 2025

Appellant :- Guddu

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

Counsel for Appellant :- Ram Mohan

Counsel for Respondent :- G.A.

Hon'ble Rajeev Misra,J.

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

1. Heard Mr. Ram Mohan, the learned counsel for appellant and the learned A.G.A. for State-opposite party-1.
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. Though notice in respect of opposite party-3, High Court Legal Services Committee, Allahabad 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. Issue notices to opposite parties-2 and 4. Notices issued to opposite parties-2 and 4 shall be made returnable on 07.10.2025. Notices shall further indicate that matter shall re-appear before Court for orders as fresh on 07.10.2025.
7. Put up this appeal for orders as fresh on 07.10.2025.

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

1. Heard Mr. Ram Mohan, 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 22.07.2025/23.07.2025 passed by Special Judge (Exclusive Court, POCSO Act)/Additional Sessions Judge, Etah in Sessions Trial

No.804 of 2021 (State of U.P. Versus Guddu) arising out of Case Crime No.149 of 2021, under Sections 376, 506 I.P.C. and Section 3/4 POCSO Act, Police Station Marhara, District Etah, applicant-appellant has been convicted under Sections 376, 506 I.P.C. and Section 3/4 POCSO Act but has been sentenced for a maximum period of 20 years imprisonment along with fine.

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

5. Apart from above, since applicant/appellant has been sentenced for a period of more than 10 years, therefore by virtue of the provisions contained in Section 430 BNSS, the learned A.G.A. representing 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 application for suspension of sentence.

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

7. Though notice in respect of opposite party-3, High Court Legal Services Committee, Allahabad was served in the office of opposite party-3 before filing the present appeal, however in spite of service of notice, neither any objections/counter affidavit has been filed on behalf of opposite party-3 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. Issue notices to opposite parties-2 and 4. Notices issued to opposite parties-2 and 4 shall be made returnable on 07.10.2025. Notices shall further indicate that matter shall re-appear before Court for orders as fresh on 07.10.2025.

9. All the opposite parties may file their respective objections/counter affidavit 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.

10. Put up this appeal for orders as fresh on 07.10.2025.

11. 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.

Order Date :- 19.8.2025

Imtiyaz