

Court No. - 80

Case :- CRIMINAL APPEAL No. - 7359 of 2025

Appellant :- Prakash

Respondent :- State of U.P.

Counsel for Appellant :- Manoj Kumar Gupta

Counsel for Respondent :- G.A.

Hon'ble Rajeev Misra,J.

1. Heard Mr. Manoj Kumar Gupta, 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. Put up this appeal for orders as fresh on 09.10.2025.

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

1. Heard Mr. Manoj Kumar Gupta, 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 Additional District Judge/Fast Court No.24, Shahjahanpur in Sessions Trial No. 1857 of 2023 (State of U.P. Pankaj & others) arising out of Case Crime No. 310 of 2023 under Sections 304/34, 323/34, 325/34 I.P.C. Police Station Sindhauli, District Shahjahanpur, applicant-appellant has been convicted under Sections 304/34, 323/34, 325/34 I.P.C. but has been sentenced for a maximum period of 10 years imprisonment along with fine.
4. Since applicant/appellant has been sentenced for a period of 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.

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

6. Learned A.G.A. for State-opposite party-1 is directed to file his 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.

7. Put up this appeal for orders as fresh on 09.10.2025.

8. 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 :- 21.8.2025

Imtiyaz