

Court No. - 80

Case :- CRIMINAL APPEAL No. - 7354 of 2025

Appellant :- Anil Kumar And 3 Others

Respondent :- State of U.P.

Counsel for Appellant :- Ishwar Kumar Upadhyay

Counsel for Respondent :- G.A.

Hon'ble Rajeev Misra,J.

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

1. Heard Mr. Anas Ahmad, Advocate, holding brief of Mr. Ishwar Kumar Upadhyay, the learned counsel for appellants 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. Anas Ahmad, Advocate, holding brief of Mr. Ishwar Kumar Upadhyay, the learned counsel for applicants/appellants 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 29.07.2025 passed by Additional District and Sessions Judge, Court No. 4, Ballia in Sessions Trial No. 471 of 2021 (State of U.P. Versus Anil Kumar and another) arising out of Case Crime No. 106 of 2020 under Sections 325, 323, 304, 504 I.P.C., Police Station Rasra, District Ballia, applicants-appellants have been convicted under Sections 304-II read with Section 34, 323/34 and 325/34 I.P.C. but have been sentenced for a maximum period of 10 years imprisonment along with fine.
4. Apart from above, since applicants/appellants have 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 applicants/appellants along with the counter affidavit to be filed by him. Applicants/appellants will have two weeks' thereafter to file their rejoinder affidavit.

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

8. By the next date, the learned counsel for applicants/appellants 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