



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7507 of 2025

Rakesh

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Mahendra Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 80

HON'BLE RAJEEV MISRA, J.

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

1. Heard Mr. Mahendra Singh, 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-3 and 4 shall be made returnable on 14.10.2025. Notices shall further indicate that matter shall re-appear for orders as fresh on 14.10.2025.
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 14.10.2025.

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

1. Heard Mr. Mahendra Singh, 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 17.07.2025 passed by Additional Sessions Judge/Special Judge (POCSO Act), Budaun in Sessions Case No. 451 of 2021 (State Vs. Rakesh), arising out of Case Crime No. 128 of 2021, under Sections 376/511, 354-Kha IPC and Sections 9M/10, 11/12 POCSO Act, Police Station-Bilsa, District-Budaun but has been sentenced for a maximum period of 7 years rigorous imprisonment along with fine.

4. Since applicant/appellant has been convicted and sentenced 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-3 and 4 shall be made returnable on 14.10.2025. Notices shall further indicate that matter shall re-appear for orders as fresh on 14.10.2025.

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-2 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 objections/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 14.10.2025.

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

August 25, 2025

Vinay

(Rajeev Misra,J.)