



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 8601 of 2025

Shankar Lal

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Munesh Kumar
Counsel for Respondent(s)	:	G.A.

Court No. - 80

HON'BLE RAJEEV MISRA, J.

Ref: Order on Memo of Appeal.

Heard Mr. Munesh Kumar, the learned counsel for appellant and the learned A.G.A. for State.

On the matter being taken up, the learned A.G.A. raised a preliminary objection by contending that though applicant/appellant has been convicted under section 376 IPC. However, the prosecutrix/first informant has not been impleaded as the party respondents. It is thus urged that present application is bad for non joinder of necessary and proper parties.

When confronted with above, the learned counsel for appellant submits that he be permitted to amend the cause tile of this appeal as well as application for suspension of sentence by impleading prosecutrix/first informant as opposite party-2.

Prayer made by the learned counsel for appellant is not opposed by the learned A.G.A.

Accordingly, it is allowed.

Let necessary amendment in the cause tile of this appeal be carried out by the learned counsel for appellant during the course of the day.

Admit.

Summon the lower court record.

Notice on behalf of State-opposite party-1 has been accepted by the learned

AGA.

Issue notice to opposite party-2.

Notice issued to opposite party-2 shall be made returnable on 19.11.2025. Notice shall further indicate that matter shall re-appear before Court for orders as fresh on 19.11.2025.

Put up this appeal for orders as fresh on 19.11.2025.

Ref: Order on Application for suspension of sentence

Heard Mr. Munesh Kumar, the learned counsel for appellant and the learned A.G.A. for State.

Perused the record.

By means of the impugned judgment and order dated 8.8.2025, passed by Additional Sessions Judge (Fast Track Court) Bareilly in Session Trial No. 152 of 2014 (State Vs. Shankar Lal) applicant/appellant has been convicted under Sections 376 IPC also and sentenced to a maximum of 7 years sentence along with fine.

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

Issue notice to opposite party-2.

Notice issued to opposite party-2 shall be made returnable on 19.11.2025. Notice shall further indicate that matter shall re-appear before Court for orders as fresh on 19.11.2025.

Notice in respect of opposite party-3 was served in the Office of opposite party-3 before filing this appeal. However, in spite of service of notice neither any objection/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 this application for suspension of sentence even in revised call.

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

Learned AGA shall also bring on record the custody certificate of

applicant/appellant along with counter affidavit to be filed by him.

Applicant/appellant will have two weeks thereafter to file his rejoinder affidavits.

Put up this appeal again for orders as fresh on 19.11.2025.

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.

September 24, 2025
Arshad

(Rajeev Misra,J.)