



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 9666 of 2025

Irfan And 2 Others

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

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

Court No. - 91

HON'BLE RAJ BEER SINGH, J.

Order on Criminal Misc. Application under Section - 430(1) BNSS

1. This application has been filed on behalf of the appellants for suspension of sentence during pendency of this appeal.
2. Heard learned counsel for the appellants, learned A.G.A. for the State and perused the record.
3. The appellants have been convicted by the Trial Court under Sections - 324, 323/34, 506 I.P.C. and they were released on probation for a period of one year.
4. Learned counsel for the appellants submitted that the trial court has failed to appreciate evidence in correct perspective and that there is no credible evidence against the appellants. Learned counsel has referred the statements of witnesses and submitted that there are material contradictions and infirmities in the statements of witnesses. It is further submitted that appellant No. 1 Irfan is suffering from serious illness and he has recently been operated and during probation period he has to appear before the Probation Officer every month. Referring to facts of the matter, it was submitted that further period of probation may be suspended during pendency of this appeal.

5. Learned A.G.A. has opposed the application.

6. Considering submissions of learned counsel for the parties, further period of probation of appellants, namely **Irfan, Imran and Sabir** in S.T. No. 96 of 2019, arising out of Case Crime No. 34 of 2017, under Sections - 324, 323/34, 506 I.P.C., Police Station - Kotwali Nagar, District - Bulandshahr, is suspended during pendency of this appeal.

7. The application for suspension of sentence is disposed of accordingly.

Order on Memo of Appeal :-

1. Appeal be listed after two months before appropriate Bench.

(Raj Beer Singh,J.)

March 19, 2026

Anand