



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 12803 of 2024

Jagdish

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Suresh Dhar Dwivedi
Counsel for Respondent(s)	:	G.A.

Court No. - 68

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

Order On Criminal Misc. Bail (Suspension of Sentence) Application

1. Heard Sri Suresh Dhar Dwivedi, learned counsel for the appellant-applicant and Sri Roshan Kumar Singh, learned A.G.A. for the State.

2. The present criminal appeal has been preferred by the appellant-applicant against the impugned judgment and order dated 02.12.2024 passed by learned Additional Sessions Judge, Court No. 1, Shahjahanpur, in Sessions Trial No. 299 of 2014 (C.N.R. No. UPSH01 0005342014) (State Vs. Rajpal and others) arising out of Case Crime No. 88 of 2014, under Sections- 307/34, 436, 504, 506 I.P.C., Police Station- Madanapur, District- Shahjahanpur, by which the appellant is convicted and sentenced to undergo 7 years simple imprisonment and fine of Rs.10,000/- u/s 307/34 I.P.C., 5 years simple imprisonment and fine of Rs.5,000/- u/s 436 I.P.C., 2 years simple imprisonment and fine of Rs.2,000/- u/s 504 I.P.C. and 2 years simple imprisonment and fine of Rs.2,000/- u/s 506 I.P.C., along with default stipulation.

3. Contention of learned counsel for the appellant-applicant is that though specific role of firing has been assigned to the appellant-applicant in the F.I.R. but he was not charge-sheeted as his presence was found to be doubtful. Subsequently, during trial on the basis of statement of injured Jaiveer, the appellant-applicant was summoned u/s 319 Cr.P.C, therefore, he has faced trial and has been convicted with imprisonment of 7 years. It is further submitted that as per the prosecution story, the appellant-applicant has fired upon the injured with his licensee rifle which is of 315 bore and injuries received by the injured shows that it is a pellet injury which can be caused by gun of 12 bore. Therefore, appellant-applicant is entitled to be enlarged on bail.

4. *Per contra*, learned A.G.A. has vehemently opposed the prayer and

submitted that there is specific allegation of firing upon the injured by the appellant-applicant though the police did not file charge-sheet against him but during trial, injury of the injured was duly proved and there was specific allegation of causing firearm injury against the appellant-applicant. Therefore, there is no illegality in the impugned judgment and order.

5. Considering the aforesaid submissions of learned counsel for the parties and on perusal of record, it is not in dispute that specific allegation of causing firearm injury by the appellant-applicant was being duly proved before the court, therefore appellant-applicant is not entitled to be released on bail. There is no ground to suspend the sentence of the appellant-applicant and the application of suspension of sentence is accordingly rejected.

Order on Appeal

6. List this appeal for hearing in the week commencing 03.11.2025.

September 16, 2025
KS

(Arun Kumar Singh Deshwal,J.)