

Court No. - 49

Case :- CRIMINAL APPEAL No. - 2590 of 2023

Appellant :- Nand Gopal Gupta @ Nandi

Respondent :- State of U.P.

Counsel for Appellant :- Imran Ullah, Mohammad Khalid

Counsel for Respondent :- G.A.

Hon'ble Rajiv Gupta, J.

Order on Criminal appeal

Heard learned counsel for the appellant, learned AGA for the State and perused the record.

The present criminal appeal has been filed against the order dated 25.1.2023 passed by Addl. Sessions Judge/Special Judge, MP/MLA Court, Allahabad in Session Trial No. 1206 of 2015 arising out of Case Crime No. 87A of 2014, P.S. Mutthiganj, District- Allahabad, whereby the appellant has been convicted for the offence under Section 323/149 IPC and awarded the sentence of six months simple imprisonment and a fine of Rs. 500/- and under Section 147/149 IPC and awarded the sentence of one year simple imprisonment and a fine of Rs. 5000/-with default stipulations.

Admit.

Summon the lower court record.

List immediately thereafter.

Order on Application for Suspension of Sentence:-

Heard learned counsel for the appellant, learned AGA for the State and perused the record.

Learned counsel for the appellant has submitted that the appellant is wholly innocent and has been falsely implicated in the present case due to ulterior motive.

Learned counsel for the appellant has next submitted that learned court below has not appreciated the evidence and material on record in right perspective and has illegally passed the impugned judgment and order dated 25.1.2023 convicting and sentencing the

appellant.

Learned counsel for the appellant has next submitted that maximum sentence awarded to the appellant is that of one year and the appellant has already been directed to be released on interim bail by the court below vide order dated 25.1.2023.

Learned counsel for the appellant has further submitted that the appeal is of the year 2023 and the chances of appeal being heard in near future is very bleak due to heavy dockets, as such, the appellant be released on bail.

Per contra, learned A.G.A. could not dispute the aforesaid facts and the fact that maximum sentence awarded to the appellant is one year and he has no criminal history to his credit and the appellant had already been released on interim bail by the court below vide order dated 25.1.2023.

Having considered the rival submissions made by learned counsel for the parties and on perusal of the record, it is evident that maximum sentence awarded to the appellant is only for a period of one year and the appellant is already on interim bail. The final disposal of the appeal will take a long time on account of heavy dockets, as such, the appellant has made out a case for bail.

The prayer for suspension of sentence is accordingly allowed.

Let the appellant- **Nand Gopal Gupta @ Nandi** be released on bail in the aforesaid case on his furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned subject to deposition of fine, if already not deposited.

On acceptance of bail bonds, the court below shall transmit the xerox copies thereof to this Court for being kept on record.

Order Date :- 20.3.2023

KU