

(2009) 05 AHC CK 0154

Allahabad High Court

Case No: None

Ram Sanehi

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision: May 11, 2009

Hon'ble Judges: Alok Kumar Singh, J

Final Decision: Disposed Of

Judgement

Alok K. Singh, J.

Heard.

Admit.

Call for the lower court record.

List the appeal for hearing on its turn when the record is received along with Criminal Appeal No.1150 of 2009.

Heard learned counsel for the appellants and learned A.G.A. on the prayer for bail.

The appellants have been convicted and sentenced in Sessions Trial No.206 of 2007 as under

1.Under Section 307/34 I.P.C.Seven years" R.I. with a fine of Rs.2000/ each.

2.Under Section 323/34 I.P.C.One year"s R.I.

3.Under Section 452 I.P.C.Three years" R.I. with a fine of Rs.1000/ each.

It is submitted that the severity of punishment is not much and the nature of accusation is also not very serious. It is also submitted that there are cross cases/versions and both the sessions trial have ended in conviction. It is also submitted that though the appellant nos.1 and 2 have been assigned a rifle and a country made pistol as would be apparent from the perusal of the statement of injured PW4, as mentioned on page 4 of the judgment in question. But towards end

of this paragraph it is also mentioned that according to this injured it was Subhash coconvict (nonappellant) who had caused fire arm injury on his vital part i.e. head. Nevertheless the appellants have been convicted with the aid of Section 34 I.P.C. During trial they were on bail which they did not misuse. It is also submitted that speedy justice is a fundamental right but the appeal may take a couple of years or even more in its final disposal. The appellants have every hope of success in the appeal.

The bail is, however, opposed by learned A.G.A.

In view of the aforesaid facts and circumstances and without entering into merits of the case, I find it to be a fit case for granting bail. Let the appellants (Ram Sanehi and Vinay alias Veenu) be enlarged on bail on their furnishing personal bonds and two sureties each in the like amount to the satisfaction of the Magistrate/court concerned.

However, the fine is not stayed. Let the same be deposited within one month from the date of their release, if not already deposited. Subject to the above the sentence of imprisonment shall remain suspended during the pendency of the appeal.