

Ram Rakhan, Dev Nath and Ram Achal Vs State of U.P.

Court: Allahabad High Court (Lucknow Bench)

Date of Decision: April 16, 2009

Hon'ble Judges: Alok K. Singh, J

Bench: Division Bench

Final Decision: Disposed Of

Judgement

Alok K. Singh, J.
Heard.

2. Admit.

3. Call for the lower court record.

4. List for hearing on its turn after the record is received.

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

6. The appellants have been convicted and sentenced in Sessions Trial No. 243 of 2006 as under-

1. u/s 148 I.P.C. - One year"s imprisonment.

2. u/s 323/149 I.P.C.--Six months" imprisonment.

3. u/s 324/149 I.P.C.--One year"s imprisonment.

4. u/s 325/149 I.P.C.--Three years" S.I. with a fine of Rs. 2000/- each.

5. u/s 307/149 I.P.C.--Seven years" imprisonment with a fine of Rs. 5000/- each.

6. u/s 504 I.P.C.--A fine of Rs. 500/- each.

7. u/s 506 I.P.C.--A fine of Rs. 1000/- each.

7. 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 as has

come in the judgment in question itself one person from the side of the appellant received five injuries including an injury of incised wound on the

top of the head but the learned lower court has observed that the nature of injuries were not serious and therefore though the prosecution could not

explain those injuries it does not create any doubt regarding genesis of the incident. It is submitted that the learned lower court has not given proper

justification for ignoring these injuries. During trial they were on bail which they never misused. 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.

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

9. 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 Rakhan, Dev Nath and Ram Achal) 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.

10. However, the fine is not stayed. Let the same be deposited within two months 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.