
(2010) 07 AHC CK 0105
In the Allahabad High Court
Case No : Criminal Appeal No. 2155 of 2009

Jamshed and Others

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 15-07-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 147, 148, 149, 302, 307

Citation : (2010) 07 AHC CK 0105

Hon'ble Judges : S.C. Agarwal, J; Amar Saran, J

Bench : Division Bench

Advocate : A.R. Nadiwal and Dinesh Kumar Yadav, for the Appellant; Govt. Advocate and Sumit Goyal, for the Respondent

Final Decision : Dismissed

Judgement

1. Heard learned Counsel for the appellants, Sri Sumit Goel, learned Counsel for the complainant, learned A.G.A. for the State and perused the trial court judgment and record.

2. It is argued by the learned Counsel for the appellant that as per the evidence of Mahmooda (P.W.3), wife of the deceased Shamim, fatal blow with knife to the deceased was attributed to appellant Jamshed whereas appellant Javed is said to have given a knife blow to Bhoora. However, it is pointed out that Bhoora was neither admitted in the hospital nor is there any supplementary report indicating the injuries received by him. Lathi was assigned to appellant Smt. Ishrat Jahan, but the lathi injuries are simple in nature. The incident is of year 1999. It is further submitted that the appellants were on bail during trial.

3. Learned Counsel for the complainant and learned A.G.A. submitted that the F.I.R. was lodged promptly within 45 minutes of the incident. Direct role has been assigned to all the appellants and there is no reason for false implication in this case.

4. Having considered the submissions made by learned Counsel for the parties

and without expressing any opinion on the merits of the case, we are of the view that there is no good ground to grant bail to appellant Jamshed, but the other two appellants Javed and Smt. Ishrat Jahan may be released on bail.

5. Hence, the prayer for bail of appellant Jamshed is refused.

6. Let the appellants Javed and Smt. Ishrat Jahan, convicted and sentenced by judgment and order dated 27.3.2009 passed by Additional Sessions Judge, F.T.C No. 1, Kairana, Muzaffar Nagar in Sessions Trial No. 92 of 2000 (State v. Jamshed and Ors.) arising out of case crime No. 101 of 1999, under Sections 147, 148, 149, 307, 302 I.P.C., PS Jhinhana, District Muzaffar Nagar, be released on bail on their furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned.

7. On depositing of 50% of fine by appellant Javed, remaining 50% fine shall remain stayed and on depositing 25% of fine by Smt. Ishrat Jahan, remaining 75% fine shall remain stayed during the pendency of their appeal.