
(2012) 06 AHC CK 0055
In the Allahabad High Court
Case No : Criminal Revision No. 1869 of 2012

Kailash Chandra

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 07-06-2012

Acts Referred:

Penal Code, 1860 (IPC) — Section 279, 304A

Citation : (2012) 06 AHC CK 0055

Hon'ble Judges : Mohd.Tahir, J

Final Decision : Allowed

Judgement

Mohd. Tahir, J.—The present revision has been filed against the Judgement and order of conviction dated 01.06.2012 passed by Special Judge, D.A.A., Etah in Criminal Appeal No.49 of 2010 (Kailash Chandra Vs. State of U.P.) whereby the order of conviction and sentence dated 28.4.2010 passed by A.C.J.M., Court No.17, Etah in Criminal case No.876 of 2008 (State of U.P. Vs. Kailash Chandra) was confirmed. Learned A.C.J.M found accused revisionist guilty of the offence under Sections 279 and 304A I.P.C. and sentenced him with imprisonment of two months along with a fine of Rs.500/ and in default of payment of fine to undergo 15 days imprisonment under Section 279 I.P.C. and accused revisionist was further sentenced to undergo rigorous imprisonment of six months alongwith a fine of Rs.1,000/ and in default of payment of fine to further undergo imprisonment of 45 days under Section 304A I.P.C.

Heard learned counsel for the revisionist as well as learned A.G.A. for the State and perused the record.

2. It is contended by learned counsel for the revisionist that the conviction of the accused revisionist is based on an absolutely false and illegal findings without any reliable and credible evidence. It is further contended that the accused revisionist remained on bail during the pendency of the trial and thereafter during the pendency of appeal and he never misused the liberty of bail so he should be granted bail and the operation of the impugned order dated

01.06.2012 passed by the appellate court should be stayed during the pendency of this revision.

3. Her request is allowed.

4. This revision is admitted for hearing.

5. Counter affidavit may be filed within a period of four weeks.

6. In the meanwhile, the operation of impugned order dated 01.06.2012 passed by Special Judge, D.A.A., Etah in Criminal Appeal No.49 of 2010 (Kailash Chandra Vs. State of U.P.) shall remain stayed till the next date of listing.

7. Let the accused revisionist Kailash Chandra involved in the above mentioned criminal case number be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned.