

IN THE COURT OF SESSION JUDGE GURGAON

_____ son of _____ age about _____ years resident of
Village- _____.

..... Convicts appellant

Versus

State of Haryana through the learned Public Prosecutor

..... Respondent

**Criminal appeal against judgement dated _____ vide which
theh appellant was held guilty u/s _____ and order of
punishment dt. _____ vide which his sentenced to undergo RI
for imprisonment for _____ year and to pay fine of Rs. _____/-
each or in default to further undergo imprisonment for _____
month each.**

Sir,

The appellant prefer this appeal against their conviction and sentences on the following grounds amount others:-

1. That the judgment and order under appeal are not sustained either on facts or under law and are liable to be set aside.
2. That even otherwise the investigation was illegal as the informer complainant could not be act as investigation.
3. That there was no public witness or independent witness at the time of apprehension of the accused convicts.
4. That moreover place of apprehension is alleges to be Subhash Chowk on Sohna Gurgaon Road, which is such a busy place and no person can think of committing any crime there. It is further unbelievable that both will stay there during the period the informer informed the police at sadar Police Station who arranged private vehicle and they were apprehended with arms and ammunition as if they were waiting for the Police to apprehend them. It was summer season and that road has over head lights and is near to thick Abadi of Village- Islampur.
5. That there is another surprising fact as recovery of pistol and one cartridge has been shown from Anil Kumar and one live cartridge from

Jitender who had no pistol and it is apparent that those items were planted on the two accused who did not even belong to one place or even one province.

6. That a perusal of para no.5 of the judgement would prove that all the witnesses and examined are police and interested witnesses and no public witness was either cited or examined.
7. That the learned court below erred in not observing that there were serious contradictions in the evidence of interested witnesses of police department and the author of the FIR and the IO are same person which was against the legal propositions.
8. That the learned court below only reproduced the evidence led before it and regarding contradictions it is observed that witness had deposed four years forgetting that they were Police Officials and had police file with them and their memory is refreshed before examination. As regards no productions of any public witness the judgement is silent.
9. That putting reliance on the interested witness it has been observed that the accused had failed to rebut allegations leveled against them forgetting that they are outsiders and labourer from various provinces are coming to Gurgaon to earn their livelihood. There is no verification report produced from their native places about their past antecedents

to prove that they are bad characterized. Thus the judgment is based on mere surmises conjectures assumptions, presumptions and inferences. Though 1996(2) RCR433 has been cited but its ratio of law has not been applied as in it was held that strongest of suspicion did not constitute proof required.

For the factual and legal grounds, it is prayed that the conviction is based conjectures and is liable to be set aside. It is prayed accordingly that the appeal may kindly be accepted and the judgment of conviction and order of sentence both dated _____ may kindly be set aside and the accused may kindly be ordered to be acquitted of the charges.

Dated:- _____.

Accused/Appellants

Through Counsel:

IN THE COURT OF SESSION JUDGE , GURGAON

In the matter of criminal appeal

Versus

State

Application for ordering suspension of sentences pending disposal of the appeal and affirming the bail bonds already furnished before the trial court or permitting to furnish fresh bail and surety bonds.

Sir,

It is submitted that the appellants have been sentenced to suffer imprisonment for ____ year each as also to pay fine of Rs. _____/- each.

1. The accused are poor labourers and had come to Gurgaon to earn their livelihood and arms and ammunition had been planted on them.
2. They have faced the trial from April 2010 to January 2015 i.e. five years and had not misused the concession of bail.
3. That the trial of appeal will take long time.

4. That the appeal is pending of co- accused namely
_____in the court of Sh.
_____.

It is prayed that pending disposal of appeal their sentences may kindly be ordered to be suspended and bail bonds already granted may kindly be ordered to be affirmed or they be granted fresh bail and surety bonds in the interest of justice.

Convicts appellant applicant

Dated:- _____

Through Counsel:

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IN THE COURT OF SESSION JUDGE GURGAON

_____ son of _____ age about _____ years resident of
Village- _____
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State of Haryana through the learned Public Prosecutor

..... Respondent

Application for exemption

Sir,

That the applicant most respectfully submits as under:-

1. That in the above noted appeal the applicant is not attach the certified copy of judgement .
2. That the certified copy is attached with the co- accused appeal file.

It is therefore prayed that may kindly be allowed my application in the interest of justice.

Applicant/Petitioner

Through Counsel:

IN THE COURT OF SESSION JUDGE GURGAON

_____ son of _____ age about _____ years resident of
Village- _____.

..... Convicts appellant

Versus

State of Haryana through the learned Public Prosecutor

..... Respondent

AFFIDAVIT

I, _____ S/o _____ aged about __ years resident of Village-
_____, do hereby solemnly
affirm and declare as under:-

1. That this my 1st appeal and no other appeal pending in other court.

Deponent

Verification:-

Verified at Gurgaon on dated _____ that the contents of the
above affidavit are true and correct to the best of my knowledge and belief.

Deponent