

Court No. - 53

Case :- CRIMINAL APPEAL U/S 374 CR.P.C. No. - 1691 of 2013

Petitioner :- Vinod Kumar

Respondent :- State Of U.P. & Another

Petitioner Counsel :- Rakesh Kumar Mishra

Respondent Counsel :- Govt. Advocate,Pranay Krishna

Hon'ble Naheed Ara Moonis,J.

Heard.

Admit.

Connect with Criminal Appeal Nos. 925 of 2013, 1266 of 2013 and 1617 of 2013.

List along with the aforesaid appeals on the date fixed.

Order Date :- 17.4.2013

Shahnawaz

Court No. - 43

Case :- CRIMINAL APPEAL No. - 1691 of 2013

Appellant :- Vinod Kumar

Respondent :- State Of U.P. & Another

Counsel for Appellant :- Rakesh Kumar Mishra,A.P. Singh Raghav

Counsel for Respondent :- Govt. Advocate,Nazrul Islam Jafri,Pranay Krishna

Hon'ble Pratyush Kumar,J.

As prayed, list on 6.9.2016, as unlisted.

Order Date :- 29.8.2016

G.S

Court No. - 43

Case :- CRIMINAL APPEAL No. - 1691 of 2013

Appellant :- Vinod Kumar

Respondent :- State Of U.P. & Another

Counsel for Appellant :- Rakesh Kumar Mishra,A.P. Singh Raghav

Counsel for Respondent :- Govt. Advocate,Nazrul Islam Jafri,Pranay Krishna

Hon'ble Pratyush Kumar,J.

As prayed, list on 22th September, 2016.

Order Date :- 6.9.2016

MT**

Court No. - 43

Case :- CRIMINAL APPEAL No. - 1691 of 2013

Appellant :- Vinod Kumar

Respondent :- State Of U.P. & Another

Counsel for Appellant :- Rakesh Kumar Mishra, A.P. Singh Raghav

Counsel for Respondent :- Govt. Advocate, Nazrul Islam Jafri, Pranay Krishna

Hon'ble Karuna Nand Bajpayee, J.

There is illness slip of Sri A.P. Singh Raghav, learned counsel for the appellant.

Case is passed over for the day.

Order Date :- 19.10.2016

Naresh

Court No. - 87

Case :- CRIMINAL APPEAL No. - 1691 of 2013

Appellant :- Vinod Kumar

Respondent :- State of U.P. and Another

Counsel for Appellant :- Rakesh Kumar Mishra,A.P. Singh
Raghav,Ajay Kumar Pathak,Govind Saran Hajela

Counsel for Respondent :- Govt. Advocate,Amit
Mishra,Pranay Krishna

Hon'ble Mrs. Sadhna Rani (Thakur),J.

As prayed by Sri Govind Saran Hajela, learned counsel for the
appellant, list on 9.12.2021 for orders.

Order Date :- 4.12.2021

Gss

Court No. - 78

Case :- CRIMINAL APPEAL No. - 1691 of 2013

Appellant :- Vinod Kumar

Respondent :- State of U.P. and Another

Counsel for Appellant :- Rakesh Kumar Mishra, A.P. Singh

Raghav, Ajay Kumar Pathak, Govind Saran Hajela

Counsel for Respondent :- Govt. Advocate, Amit Mishra, Pranay Krishna

Hon'ble Raj Beer Singh, J.

Learned counsel for the appellant and learned counsel for the C.B.I. are present.

List on 30.08.2023 along with connected appeals.

Order Date :- 24.7.2023

Neeraj



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1691 of 2013

Vinod Kumar

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	: Ajay Kumar Pathak, Govind Saran Hajela, Gyan Prakash(Senior Adv.)
Counsel for Respondent(s)	: Gyan Prakash(Senior Adv.)

Court No. - 82

HON'BLE SAMEER JAIN, J.

Order on Criminal Misc. Bail Application No. 117339 of 2013

1. Heard Sri Govind Saran Hajela, learned counsel for the appellant/applicant and Sri Rahul Srivastava, learned counsel for C.B.I. on the prayer for stay the realization of fine imposed upon the applicant during pendency of instant appeal.
2. Learned counsel for the appellant/applicant submitted that however, applicant filed instant application to release him on bail and to stay the realization of fine imposed upon the applicant during pendency of instant appeal but as in the present matter applicant was convicted by trial court on 18.02.2013 and maximum 10 years sentence was awarded to him along with total fine of Rs. 27 lakhs and in default 4 years and 7 months additional imprisonment, therefore, he has already served entire substantive sentence of 10 years and only due to non payment of default of fine he is in jail, therefore, he is pressing only the prayer to stay the realization of fine.
3. He further submitted that as applicant has already served entire substantive sentence of 10 years and he is still in jail only because he could not deposit the fine imposed upon him and as fine is also the part of sentence order, therefore, during pendency of instant appeal, realization of fine may be stayed specially considering the fact that due to heavy docket of the Court, there is no likelihood of early hearing of instant appeal.
4. Per contra, learned counsel for C.B.I. however, opposed the prayer but could not dispute the argument on facts advanced by learned counsel for the applicant.
5. I have heard both of the parties and perused the record of the case.

6. Applicant along with others has been convicted in the present matter and trial court awarded him maximum 10 years sentence along with total fine of Rs. 27 lakhs and in default 4 years and 7 months additional imprisonment.

7. It reflects, applicant has already served the entire substantive sentence of 10 years and he is still in custody only because he could not deposit Rs. 27 lakhs, the fine imposed upon him. Considering this fact and the fact that due to heavy docket of the Court, there is no possibility of early hearing of instant appeal, the realization of fine imposed upon the applicant/appellant shall remain stayed during pendency of instant appeal.

Order on appeal

1. As paper book of the case has already been prepared, therefore, list this case on 29.10.2025 for final argument showing the name of Sri Rahul Srivastava, learned Advocate, as a counsel for C.B.I.

September 24, 2025
KK Patel

(Sameer Jain,J.)



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1691 of 2013

Vinod Kumar

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	: Ajay Kumar Pathak, Govind Saran Hajela, Gyan Prakash(Senior Adv.), Rakesh Kumar Mishra
Counsel for Respondent(s)	: Rahul Srivastava, Govt. Advocate, Gyan Prakash(Senior Adv.)

Court No. - 73

HON'BLE SAMEER JAIN, J.

1. Sri G.S. Hajela, learned counsel for appellant and Sri Rahul Srivastava, learned counsel for C.B.I. are present.
2. Learned counsel for appellant submits, appellant was convicted by the trial court in the present matter and court concerned awarded him ten years sentence but along with sentence fine of total 27 lakhs have also been imposed upon him and however he had already served entire sentence of ten years awarded to him but as he could not deposit the fine, therefore, he was detained in jail and considering this fact on 24.09.2025 this Court stayed the entire fine imposed upon the appellant but in spite of that authorities concerned did not release him from jail and he is still in custody. He further submits, therefore, appropriate direction may be given to the jail authorities to release the appellant from jail.
3. Learned counsel for CBI also submitted that appellant has already served entire sentence of ten years awarded to him by the trial court and only due to the fine imposed upon him, he was in custody and as fine has already been stayed by this Court vide order dated 24.09.2025, therefore, it was the duty of the jail authorities to release the appellant immediately, if he is not wanted in any other case.
4. I have heard both the parties and perused the record of the case.
5. In case at hand, it appears, however, appellant has been convicted by the trial court and trial court awarded ten years sentence to him and he had

already served entire sentence of ten years but in spite of that he was not released as he could not deposit the fine imposed upon him. Considering this fact, this Court on 24.09.2025 stayed the fine imposed upon him but it reflects, in spite of that till date he has not been released from jail.

6. It is quite shocking that in spite of above facts till date appellant is in custody. An individual even a convict cannot be detained without any order. As appellant has already served entire sentence awarded to him and even fine imposed upon him has been stayed by this Court therefore, authorities concerned cannot detain him any further, if he is not wanted in any other case. This is gross violation of fundamental right enshrined in Article 21 of Constitution of India.

7. Therefore, it is directed that appellant shall immediately be released on personal bond from custody, if he is not wanted in any other case.

Order on memo of appeal

List this appeal in due course.

December 8, 2025
AK Pandey

(Sameer Jain,J.)