



2026:AHC:14963-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL U/S 413 BNSS DEFECTIVE No. - 6 of 2026

Ratan Khanna

.....Appellant(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Mahendra Pratap Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 43

HON'BLE SALIL KUMAR RAI, J.
HON'BLE DIVESH CHANDRA SAMANT, J.

The present criminal appeal has been filed under Section 413 of B.N.S.S., 2023 against the judgment and orders dated 16.05.2023 and 17.05.2023 passed by the Additional Sessions Judge, Court No. 17, Kanpur Nagar in Sessions Trial No. 41 of 2017 (State vs. Vivek Tripathi and others), arising out of Case Crime No. 558 of 2016, under Sections 307, 120-B, 147, 148, 149 IPC, Police Station Chakeri, District Kanpur Nagar, by which the opposite party nos. 2, 3 and 4 have been acquitted for the offences under Sections 307, 120-B, 147, 148, 149 IPC and opposite party no. 5 has been acquitted for the offences under Sections 120-B, 147, 148, 149 IPC and has been sentenced for the offence under Section 307 IPC and has been awarded the sentence of 8 years simple imprisonment instead of life imprisonment.

The appeal is beyond time by 878 days (approximately 2 and a half years). We do not find satisfactory the explanation as stated in the affidavit filed in support of the delay condonation application. The reasons for the delay has been stated in the paragraph nos. 4, 5 and 6 of the affidavit which are reproduced below:-

"4. That there is no deliberate or intentional delay on the part of the appellant in approaching this Hon'ble Court and the reasons are beyond the control of the appellant as mentioned hereinafter.

5. That there is unintentional delay in approaching to this Hon'ble Court due to financial hardships faced by the Appellant and due to old aged ailments he is suffering from.

6. That the Appellant is more than 96 years of age and suffering from various

ailments. The Appellant is also suffering from financial difficulties and hence also he was unable to arrange for the advocate who can prepare his criminal appeal to challenge the impugned order well within the time."

Apparently, day to day delay in filing the appeal has not been explained. It has not been stated as to how and when the financial difficulties suffered by the appellant got removed. The son of the appellant was injured in the incident which was the subject matter of the session trial. There is no explanation as to why the son of the appellant could not do pairvi of the case on behalf of the appellant and got the appeal filed in the name of the appellant.

The delay condonation application and consequently the appeal is ***dismissed***.

January 21, 2026
Vipasha

(Divesh Chandra Samant,J.) (Salil Kumar Rai,J.)