



2026:AHC:20929-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL APPEAL U/S 413 BNSS DEFECTIVE No. - 16 of 2026

Jitendra Nath Maurya

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Purushottam Mani Tripathi
Counsel for Respondent(s)	:	G.A.

Court No. - 43

HON'BLE SALIL KUMAR RAI, J.
HON'BLE DR. AJAY KUMAR-II, J.

Order on Delay Condonation Application and on the Appeal

This is an appeal filed under Section 413 B.N.S.S., 2023 by the victim challenging the judgement and order dated 03.03.2025 passed by the Additional Sessions Judge, Court No. 6, Gorakhpur in Sessions Case No. 569 of 2021 (State Vs. Parash Nath Yadav and Others) registered under Sections 147, 148, 307, 323, 325, 504, 506, 302/34 I.P.C. arising out of Case Crime No. 378 of 2019, Police Station-Jhnagaha, District-Gorakhpur whereby the trial court has acquitted Smt. Shiva one of the accused in the case. The accused was eight months' pregnant on the date of the incident and was a member of the family of the other accused.

The trial court acquitted the accused after considering the fact that there was no specific evidence of she having participated in assault and further it was not believable that eight months' pregnant women would have used Lathi and Danda to assault the informant and other persons.

There is no perversity in the assessment of the trial court and the opinion of the trial court is a plausible opinion in the circumstance of the case. However, we have not gone into the details considering that the appeal is beyond time by 223 days and a perusal of the affidavit filed in support of the delay condonation application show that the day to day delay in filing the appeal has not been explained.

For the aforesaid reasons, the delay condonation application is ***dismissed***.

Consequently, the appeal stands *rejected*.

Let the file be consigned to records after certifying a copy of the present judgment to the trial court.

(Dr. Ajay Kumar-II,J.) (Salil Kumar Rai,J.)

January 30, 2026
Anurag/-