**In The Hon'ble High Court Of Himachal Pradesh At Shimla**

**(Opening Sheet)**

Criminal Appeal No.:\_\_\_\_\_\_ of 2004

Appellant/Convict

Versus

Respondents

Criminal Appeal Under Section 374 (2) CrPC Against the judgment, sentence and order dated \_\_, passed by the Ld. Sessions Judge \_\_, convicting the appellant/convict under Sections \_\_ of IPC and sentencing him to undergo \_\_SI for \_\_ years and pay a fine of Rs. \_\_ under Section \_\_ of IPC and \_\_

OFFENCES: \_\_\_\_\_\_

SENTENCE: \_\_\_\_\_\_

Note:- As the appellant/convict is in jail, no court fee is payable on any document and no affidavit in support of appeal/application is being filed, as not required.

Shimla                                                                          Appellant/Convict

\_\_\_\_\_\_                                                                        Through, Advocate

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

Criminal Appeal No.:\_\_\_\_\_\_ of 2004

MEMO OF PARTIES

Appellant/convict

Versus

Respondents

Criminal Appeal \_\_\_\_\_\_

Shimla                                                                                      Appellant/Convict

\_\_\_\_\_\_                                                                                    Through, Advocate

GROUNDS OF APPEAL

RESPECTFULLY SHEWETH

1. That briefly stated the facts of case are that \_\_\_\_\_\_

2. That Your Lordship's humble appellant is invoking the jurisdiction of this Hon'ble court and seeking indulgence on the following grounds amongst others to be taken during the course of arguments, each one of which is without prejudice to and independent of other :-

(a) That the impugned judgment is both against law and facts of the case and therefore same deserves to be set aside.

(b) That the learned court below has acted with serious illegality in the exercise of jurisdiction vested in it by law.

(c) That the court below has not exercised judicious discretion vested in it in accordance with law in passing the impugned order.

(d) That the provisions of law have been mis-construed.

(e) That the Ld. Court below has failed to appreciate the evidence on record and has drawn wrong inferences from the facts proved on record which has vitiated findings.

(f)  That the Ld. court below has failed to appreciate the well-settled principles of law laid down by the Hon'ble Apex Court and various other High Courts.

3. That no similar appeal has been filed by the appellant on the similar grounds either in this Hon'ble court or Hon'ble Supreme Court or the court of Session Judge.

4. It is, therefore, most humbly prayed that the judgment, sentence and order dated \_\_, passed by the Ld. Session Judge \_\_, may kindly be quashed and the appellant may kindly be acquitted.

The appellant shall ever pray.

Shimla                                                                                      Appellant/Convict

\_\_\_\_\_\_                                                                                    Through, Advocate

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

CrMP No.:\_\_\_\_\_\_ of 2004 in Cr. Appeal No.:\_\_\_\_\_\_ of 2004

Appellant/Applicant

Versus

Respondents/Non-applicant

Application under Section 389 of CrPC read with Section 482 of CrPC for Suspension of sentence and grant of bail

Respectfully Sheweth:

1.  That the Appellant/Applicant has filed an appeal against the judgment, sentence and order dated \_\_ passed by the Ld. Session Judge \_\_ in Session Trial No. \_\_, convicting the appellant under Sections \_\_ of IPC and sentencing him to undergo SI\_\_ for \_\_ years and pay a fine of Rs. \_\_ , which is pending adjudication.  The grounds of the appeal may kindly be read as part and parcel of the present application.

2.  That it is apparent from perusal of the grounds of appeal and the impugned judgment, that this Hon'ble court will be convinced and satisfied that the appeal filed by the appellant/applicant is most likely to be allowed by this Hon'ble court.

3.  That the appellant/applicant is a \_\_young man of \_\_ years of age, and is the sole bread earner for his family consisting of \_\_.  The applicant is innocent and has been involved in a false case.  The prosecution story is full of doubts and there is no evidence against the applicant for his involvement in the instant case.  The appellant/applicant has been convicted on a false complaint and the story of the prosecution is belied on the following grounds:-

(a)  That the \_\_

4.  That there was no legal evidence to connect the appellant with the commission of the crime.  \_\_

5.  That it would be just, proper and expedient in the interest of justice if this application is allowed and the operation and execution of the impugned judgment and sentence is ordered to be suspended and the applicant is released on bail to meet the ends of justice.  \_\_It is further submitted that the applicant/appellant remained on bail throughout the trial and even before and the applicant/appellant has never faulted in his presence before the Ld. court below.

6. That ex-facie the conviction is unsustainable.

7. That no similar application has either been filed or is pending in this Hon'ble Court, Hon'ble Supreme Court of India or any other court.

8. It is, therefore, most respectfully prayed that this application may kindly be allowed and the operation and execution of the judgment and sentence and order dated \_\_ passed by Ld. court below may kindly be suspended/stayed till the final disposal of the appeal and the applicant may kindly be ordered to be released on bail in the interest of justice.  The applicant will surrender to serve the sentence if the appeal fails.

Shimla                                                                          Appellant/Applicant

\_\_\_\_\_\_                                                                        Through, Advocate

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

CrMP No.:\_\_\_\_\_\_ of 2004 in Cr Appeal No.:\_\_\_\_\_\_  of 2004

Appellant/Applicant

Respondents/Non-applicants

Affidavit in support of CrMP under Section 389 of the CrPC

I, \_\_\_\_\_\_, do hereby solemnly affirm and declare as under:-

1. That the accompanying application has been prepared under my instructions.

2. That the contents of paras 1 to \_\_ of the accompanying application are correct and true to the best of my knowledge.

3. That I further solemnly affirm and declare that this affidavit of mine is correct and true, no part of it is false and nothing material has been concealed therein.

Affirmed at Shimla this the \_\_\_\_\_\_.

Deponent

**IN THE HON'BLE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

Criminal Appeal No.: \_\_\_\_\_\_of 2004

Appellant/Convict

Versus

Respondents

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Shimla                                                                          Appellant/Convict

\_\_\_\_\_\_\_                                                                      Through, Advocate