



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 1160 of 2025

Laxmi Narayan

.....Appellant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy./Prin. Secy.
Home Lko

.....Respondent(s)

Counsel for Appellant(s)	: Nadeem Murtaza, Pallav Shukla, Rakesh Kumar Nayak, Shailendra Singh Rajawat, Shashank Tilhari, Surya Prakash
Counsel for Respondent(s)	: G.A.

Court No. - 27

HON'BLE ZAFEER AHMAD, J.

(Order on Bail Application)

The instant bail application has been moved by the appellant-applicant, who is convicted in Sessions Trial No. 1384 of 2001 arising out of Case Crime No. 304 of 2000, under Sections 498A, 304B I.P.C. and Section 3/4 of the D.P. Act, police station Mohanlalganj, district-Lucknow and sentenced under Section 304B I.P.C. for ten years' rigorous imprisonment with fine of Rs. 20000/-, under Section 498A I.P.C. for three years' rigorous imprisonment with fine of Rs. 6000/- and Section 4 of the D.P. Act for one year's rigorous imprisonment with fine of Rs. 2000/-, praying to release him on bail during pendency of instant appeal.

Learned counsel for the appellant submits that the trial court has erred in appreciating the evidence on record and wrongly convicted the appellant. It is further submitted that the trial court imposed the fine to the tune of rupees twenty thousand under Section 304B I.P.C. Learned counsel submits that there is no provision of fine for the offence under Section 304B I.P.C. It is submitted that the appellant was on bail during trial and did not misuse the liberty of bail granted to him. Learned counsel also submits that there is dying declaration of the deceased in which she has categorically stated that she set herself on fire because one Kalawati who was maternal aunt(Bua) had scolded her. It is also submitted there is no criminal history. The

appellant is languishing in jail since 28.3.2025. It is further submitted in case the appellant is released on bail, he will not misuse the same and co-operate in early disposal of appeal.

Learned A.G.A. has vehemently opposed the prayer for bail but he could not dispute the fact.

Having considered the submissions of learned counsel for the parties and on perusal of the record and the fact that the appellant was on bail during trial which was not misused by him, this Court finds it a fit case to release the appellant on bail.

In the result, the bail application is allowed.

Let the appellant-applicant Laxmi Narayan, involved in aforesaid case be released on bail on his furnishing personal bond with two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions:-

- (i) The total fine of rupees eight thousand for the offences under Section 498A I.P.C. and Section 3/4 of the D.P. Act shall be deposited by the appellant within four weeks from the date of release and the fine imposed under Section 304B I.P.C. shall remain stayed.
- (ii) The appellant/applicant shall co-operate in the early disposal of appeal without seeking unnecessary adjournment.
- (iii) The appellant/applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

The trial court shall transmit the bail bonds submitted by the appellant to this Court forthwith.

The observations made herein-above are only confined to the disposal of the bail application and the same will not affect the merit of the case.

I am surprised to see that the learned trial judge has imposed fine also on

the accused persons under Section 304B I.P.C. The legislature has not prescribed the imposition of any fine for an offence punishable under Section 304-B IPC. The Court can award only such sentence as is prescribed by the statute and where the statute does not provide for imposition of a fine for a particular offence, the Court cannot impose a fine in addition to the sentence prescribed therein.

It is unfortunate that such a glaring error has been committed by the Judicial Officer of the rank of Additional District and Sessions Judge and the sentence in the aforesaid Sessions Trial has been passed by the concerned learned Trial Judge without duly considering the provisions of Section 304-B IPC.

The Senior Registrar of this Court is directed to send a copy of this order to the concerned learned trial Judge, Sri Rahul Mishra, Additional District and Sessions Judge, court no. 6 through the District Judge concerned within ten days, for his future guidance.

Order on Appeal

List in due course.

(Zafeer Ahmad,J.)

August 21, 2026

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