



ITEM NO.24 COURT NO.14 SECTION II-C

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

PETITION FOR SPECIAL LEAVE TO APPEAL (CRL.)  
NO.2295/2026

[Arising out of impugned final judgment and order dated 18-12-2025 in CRA No. 78/2021 passed by the High Court of Himachal Pradesh at Shimla]

RITESH KUMAR Petitioner(s)

VERSUS

STATE OF HIMACHAL PRADESH Respondent(s)

IA No. 41696/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 41697/2026 - EXEMPTION FROM FILING O.T.

Date : 09-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA  
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) : Mr. Ajay Marwah, AOR  
Mr. Swaroopanad Mishra, Adv.  
Mr. Mrigank Bhardwaj, Adv.  
Ms. Dhriti Sharma, Adv.  
Mr. Rahul Kumar, Adv.  
Mr. Ravideep Badyal, Adv.  
Mr. Rohan Mazumdar, Adv.

For Respondent(s) :

CrL.A.@ SLP (CrL.) No.2295/2026

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UPON hearing the counsel the Court made the following

O R D E R

1. Leave granted.
2. The submission on behalf of the learned counsel for the appellant is that the appellant has served 12 years one month and ten days of sentence upto 24.12.2025 as per the Custody Certificate. It is submitted that the First Information Report was lodged on 20.01.2016 against unnamed accused by PW1 - Rinku in respect of death of an unknown lady. As per the statement of Investigating Officer the body of the deceased could be identified on 04.02.2016 i.e. after 15 days of the incident based on the information provided by one Ram Rattan. Ram Rattan was a crucial witness who disclosed that the deceased and the present appellant had taken an accommodation on rent. However, Ram Rattan has not been examined in the course of the trial even though the appellant was arrested on 06.02.2016

based on his information. Besides, though Test Identification Parade (TIP) was conducted on 10.02.2016, the Magistrate in whose presence the TIP was carried out has not been examined as a witness, in such circumstances, dock identification, conducted after several days, has little evidentiary value. Besides, there is no cogent evidence to indicate that the deceased and the appellant were married to each other or were moving together as a couple. In such circumstances, it has been submitted that there are various arguable points in the appeal and since the appellant has already suffered sentence of over 12 years including remission, he may be released on bail after suspending the sentence.

3. Having regard to the submissions noticed above, without expressing any opinion on the merits thereof, we are of the view that at this stage, the appellant is entitled for suspension of sentence.

4. Accordingly, the prayer to suspend the

sentence is accepted. The sentence awarded by the Trial Court, as affirmed by the High Court shall remain suspended pending consideration of this appeal.

5. The appellant shall be released on bail on such terms and conditions as the trial court may deem fit to impose in the facts and circumstances of the case.

6. List for hearing in due course.

(KAVITA PAHUJA)  
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)  
COURT MASTER (NSH)