

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL No(s). /2026
(@ SLP (CrI.) No(s).3168/2026**

ASGAR @ PAKORI

APPELLANT(S)

VERSUS

STATE (GOVT. OF NCT OF DELHI)

RESPONDENT(S)

O R D E R

1. Leave granted.
2. This appeal arises from the judgment and order passed by the High Court of Delhi dated 18.04.2009 in Criminal Appeal No.548/1999 by which the appeal preferred by the appellant against the judgment and order of conviction passed by the Trial Court came to be dismissed only on the ground that after the release of the appellant on interim bail on 12.03.2001, he failed to surrender and was declared as absconding.

3. Our order dated 16.02.2026 reads thus:-

"1. Delay condoned.

2. In the present matter, the High Court has dismissed the appeal on the ground that the appellant has remained absconding for over eight years. The appellant has now surrendered on 19.02.2025.

3. Our attention has been drawn to the judgment of this Court in the case of Dhananjay Rai @ Guddu Rai vs The State Of Bihar reported in 2022 (14) SCC 95 which holds that the appeal ought to be heard on merits.

4. Issue notice to consider whether the matter can be remanded to the High Court to hear the appeal on merits.

5. Dasti service, in addition, is permitted.

6. Liberty is granted to the petitioner to serve notice through the Standing Counsel for the

State/respondent.

7. List on 23.02.2026."

4. It appears that since the appellant was not able to avail services of any lawyer, the High Court appointed Amicus to assist the Court on behalf of the appellant. The learned Amicus also prepared his written notes of arguments, however, there is no discussion by the High Court in its impugned judgment and order on merits.

5. The appellant was put to trial for the offence punishable under Section 307 of the Indian Penal Code (for short, "the IPC"), i.e., attempt to commit murder and after being held guilty of by the Trial Court was sentenced to undergo rigorous imprisonment for 5 years and fine of Rs.2,000/-.

6. We are informed by the learned counsel appearing for the appellant that the convict surrendered before the jail authorities on 19.02.2025 and since then he is in jail.

7. We believe that the ends of justice would be met if we remand the matter to the High Court for fresh consideration of the Criminal Appeal No.548/1999 on its own merits.

8. As almost 27 years have passed by and the convict is now in custody, we request the High Court to take up Criminal Appeal No.548/1999 for hearing and decide the same on its own merits within a period of three months from today.

9. It shall be open for the appellant-convict to prefer an appropriate application under Section 389 of the CrPC seeking suspension of the substantive order of sentence passed by the Trial Court and release on bail pending the final disposal of

the Criminal Appeal.

10. In the result, this appeal is allowed in part. The impugned judgment and order passed by the High Court is set aside. The matter is remitted to the High Court for fresh consideration of the Criminal Appeal on its own merits. Criminal Appeal No. 548/1999 is ordered to be restored to its original number.

11. Pending application(s), if any, shall also stand disposed of.

..... J.
[J.B. PARDIWALA]

..... J.
[K.V. VISWANATHAN]

NEW DELHI;
08th MAY, 2026

ITEM NO.62

COURT NO.7

SECTION II-D

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).3168/2026

[Arising out of impugned final judgment and order dated 18-04-2009 in CRLA No. 548/1999 passed by the High Court of Delhi at New Delhi]

ASGAR @ PAKORI

Petitioner(s)

VERSUS

STATE (GOVT. OF NCT OF DELHI)

Respondent(s)

IA No. 46428/2026 - EXEMPTION FROM FILING O.T.

Date : 08-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) : Mr. Ram Bhadauria, Adv.
Mr. Robin Khokhar, AOR
Mr. Najim Khan Khilluka, Adv.
Ms. Ritu Reniwal, Adv.
Mr. B.N. Dubey, Adv.

For Respondent(s) : Mr. Davinder Pal Singh, A.S.G.
Mr. M.K. Maroria, AOR
Ms. Archana Surve Shinde, Adv.
Mr. Amit Sharma, Adv.
Mr. Garvil Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed in part in terms of the signed order which is placed on the file.

3. Pending application(s), if any, shall also stand disposed of.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)