

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

CRIMINAL APPEAL NO. 2088 OF 2026
(Arising out of SLP (CrI.) No. 2080 of 2026)

UNION OF INDIA

...Appellant(s)

VERSUS

PRAFULLA MALAKAR

...Respondent(s)

O R D E R

1) Leave granted.

2) The present appeal has been filed assailing the order dated 16.09.2025 passed by the High Court in I.A. No. 7498 of 2025 granting suspension of sentence to the respondent during the pendency of the Criminal Appeal(DB) No. 430 of 2025.

3) After perusal of the facts of the case, it is apparent that respondent was convicted for the offences under Sections 121A, 414/120B of the Indian Penal Code, 1860, Sections 25(1AA)/35, 26(2) of the Arms Act, Section 10(b)(II), 13, 17, 18 and 20 of

the Unlawful Activities (Prevention) Act and Section 17 of the Indian Criminal Law Amendment Act and the maximum sentence imposed upon the respondent is Rigorous Imprisonment for 15 years along with a fine of Rs.10,000/- for the offence under Section 25(1AA)/35 of the Arms Act.

4) The High Court while granting suspension of sentence to the respondent and releasing him on bail, has observed that he has completed 4 years 7 months of the sentence.

5) In the present case, *vide* order dated 08.04.2026, we had directed the appellant-Union of India to seek instructions and file an affidavit to the effect, whether the respondent was found indulged in any other criminal activity of similar nature. With all fairness, the affidavit states that the respondent has not been found indulged in any other criminal case.

6) Having considered the fact that the Court has exercised the discretion in favour of the

respondent-accused granting suspension of sentence, however, to interject in such discretion, at present, we are not inclined to interfere. However, we make it clear that such discretion is subject to the condition that in case the respondent is found indulged in any other criminal activity, the Government would be at liberty to apply seeking cancellation before the High Court.

7) We make it clear that the respondent would not indulge in any other criminal case otherwise, recourse as permissible may be taken.

8) It is further directed that the appeal be decided as expeditiously as possible by the High Court.

9) The respondent shall not ask for unnecessary adjournment and shall cooperate in the hearing of the appeal.

10) Accordingly, at present, we are not interfering with the order impugned granting suspension of sentence.

11) With the aforesaid observations, the criminal appeal is dismissed. Pending application(s), if any, shall stand disposed of.

....., J.
[J.K. MAHESHWARI]

....., J.
[ATUL S. CHANDURKAR]

New Delhi;
April 22, 2026.

ITEM NO.5

COURT NO.3

SECTION II-A

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

Criminal Appeal No. 2088/2026
(Arising out of SLP (CrL.) No. 2080 of 2026)
[Arising out of impugned final judgment and order dated 16-09-2025
in CRADB No. 430/2025 passed by the High Court of Jharkhand at
Ranchi]

UNION OF INDIA

Appellant(s)

VERSUS

PRAFULLA MALAKAR

Respondent(s)

(IA No. 37153/2026 - EXEMPTION FROM FILING O.T.)

Date : 22-04-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Appellant(s) :

Mr. K M Nataraj, A.S.G.
Mr. Arkaj Kumar, Adv.
Mr. Digvijay Dam, Adv.
Mr. Anmol Chandan, Adv.
Mr. Anuj Udupa, Adv.
Mr. Yogya Rajporohit, Adv.
Mr. Arvind Kumar Sharma, AOR

For Respondent(s) :

Mr. Manoj Tandon, Adv.
Mr. Siddharth Ranjan, Adv.
Mr. Gaurav Prakash Pathak, Adv.
Ms. Anushka, Adv.
Mr. Nishant Kumar, AOR

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

1) The criminal appeal is dismissed in terms of the signed order. Pending application(s), if any, shall stand disposed of.

(NIDHI AHUJA)
DEPUTY REGISTRAR

(NAND KISHOR)
ASSISTANT REGISTRAR

[Signed order is placed on the file.]