



IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No(s). 1763/2026  
@SLP(Crl) No. 2838/2026

MUBARIK

Appellant(s)

VERSUS

THE STATE OF TAMIL NADU

Respondent(s)

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties.
3. This appeal arises from an order dated 18.11.2025 passed by the High Court of Judicature at Madras rejecting the application of the appellant to suspend the sentence awarded by the trial court during pendency of his Criminal Appeal No. 1755/2025.
4. The submission of the learned counsel for the appellant is that trial court has convicted the appellant for offences punishable under Section 109(1) read with Section 54 of BNS and for an offence punishable under the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

5. Imprisonment of 5 years is awarded for the offence punishable under Section 109 (1)/54 of BNS and three years for the other offence. Insofar as the offence punishable under Section 109(1) read with Section 54 of BNS is concerned, it is submitted, the same would be attributable to the lorry driver, not the appellant who, as per the prosecution case, was travelling in that lorry. As far as damage to the public property is concerned that has been caused by the lorry, which was driven by some other person.

6. In such circumstances, it is submitted that since the appellant has already suffered sentence for a period exceeding one year six months, and the maximum sentence awarded is of five years, it is in the interest of justice that the appellant be released on bail after suspension of sentence, pending consideration of his appeal.

7. The learned counsel for the respondent has opposed the prayer for suspension of sentence.

8. Having considered the rival submissions and having regard to the prosecution case *qua* the appellant as also

that a term sentence has been awarded, and the appeal is not likely to be heard in near future, we are of the view that the appellant is entitled for suspension of sentence at this stage.

9. Accordingly, the appeal is allowed. The order of the High Court rejecting the prayer of the appellant to suspend the sentence pending consideration of his appeal by the High Court is set aside. The sentence awarded by the trial court to the appellant shall remain suspended pending consideration of the appeal by the High Court.

10. 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.

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

..... J  
[MANOJ MISRA]

..... J  
[N.V. ANJARIA]

New Delhi  
April 06, 2026

ITEM NO.6

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  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 1763/2026  
@SLP(Crl) No. 2838/2026

MUBARIK

Appellant(s)

VERSUS

THE STATE OF TAMIL NADU

Respondent(s)

FOR ADMISSION and I.R.

IA No. 50796/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT

IA No. 50797/2026 - EXEMPTION FROM FILING O.T.

Date : 06-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA  
HON'BLE MR. JUSTICE N.V. ANJARIA

For Appellant(s) :

Ms. Nilofar Khan, AOR  
Mr. Syed Kashif Hussain, Adv.  
Ms. Afrin Khan, Adv.  
Mr. Mohit Gaurav, Adv.  
Mrs. Megha Sharma, Adv.

For Respondent(s) :

Mr. Sabarish Subramanian, AOR  
Mr. Veshal Tyagi, Adv.  
Mr. Vishnu Unnikrishnan, Adv.

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

1. Leave granted.

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

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

**(CHETAN ARORA)  
ASTT. REGISTRAR-cum-PS**

**(SAPNA BANSAL)  
COURT MASTER (NSH)**