



ITEM NO.33 COURT NO.5 SECTION II

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

Petition(s) for Special Leave to Appeal (Crl.)
No(s). 2232/2026

[Arising out of impugned final judgment and order
dated 17-07-2025 in CRA No. 11512/2024 passed by
the High Court of Judicature at Allahabad]

SULTAN AHMAD KHAN Petitioner(s)

VERSUS

STATE OF U.P Respondent(s)

IA No. 27099/2026 - CONDONATION OF DELAY IN FILING
IA No. 27098/2026 - EXEMPTION FROM FILING O.T.

Date : 09-02-2026 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. Bhuwan Raj, AOR
Ms. Manju Savita, Adv.
Ms. Anushka Garg, Adv.
Mr. Satish Kushwaha, Adv.

For Respondent(s) :

Ms. Tulika Mukherjee, AOR
Mr. Beenu Sharma, Adv.
Mr. Venkat Narayan, Adv.

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

1. This petition arises from the order passed by the High Court of Judicature at Allahabad dated 17.07.2025 in Criminal Appeal No.11512/2024 by which the High Court declined to suspend the substantive order of sentence of 7 years as imposed by the Trial Court against the petitioner in Sessions Trial No.65/2011 arising out of Case Crime No.0111/2011 registered with Nautanwa Police Station, District Maharajganj, State of Uttar Pradesh for the offence punishable under Sections 366, 367 and 506 of the Indian Penal Code (for short, "the IPC").

2. It appears from the materials on record that the petitioner herein along with two other co-accused was put to trial in the Court of Additional Sessions Judge Fast Track Court, Maharajganj in the Sessions case referred to above for the offences enumerated above.

3. The Trial Court held the petitioner herein guilty of the offences enumerated above and sentenced him to undergo 7 years of rigorous imprisonment.

4. The other two co-accused were held guilty of the offence punishable under Section 366 of the IPC and were sentenced to undergo 5 years rigorous imprisonment with fine.

5. The petitioner, being dissatisfied with the judgment and order of conviction passed by the Trial Court went before the High Court by way of Criminal Appeal No.11512/2024. The appeal has been admitted.

6. In the appeal, the petitioner preferred an application praying therein that the substantive order of sentence imposed by the Trial Court be suspended and he be released on bail pending the final disposal of the criminal appeal. The High Court declined to do so.

7. In such circumstances, the petitioner is here before us with the present petition.

8. We heard Mr. Bhuwan Raj, the learned counsel appearing for the petitioner and Ms. Tulika Mukherjee, the learned counsel appearing for the State.

9. The law as regards suspension of sentence is now well settled. If the sentence is for a fixed term, then ordinarily the appellate court should consider the plea as regards suspension liberally unless there are exceptional circumstances to decline.

10. This is not a case wherein the petitioner has been sentenced to undergo life imprisonment. This is a case wherein the petitioner has been sentenced to undergo 7 years of rigorous imprisonment. He has already undergone 1 year 7 months of the sentence imposed.

11. What is important for us is to take notice of the fact that the appeal is of the year 2024 and the same is pending in the High Court of Allahabad.

12. In such circumstances, the appeal of the year

2024 is not likely to be taken up in near future. By the time, the appeal would be taken up by the High Court, the petitioner would perhaps undergo the entire sentence of 7 years as imposed.

13. In such circumstances, referred to above, we suspend the substantive order of sentence passed by the Trial Court and order that the petitioner be released on bail pending the final disposal of criminal appeal preferred by him before the High Court, subject to terms and conditions that the Trial Court may deem fit to impose.

14. With the aforesaid, the Special Leave Petition stand disposed of.

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

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)