

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2026  
[Arising out of SLP (Crl.) No.3870/2026]

DEVRAJ YADAV

APPELLANT(S)

VERSUS

STATE OF U. P & ANR.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. This appeal arises from the order passed by the High Court of Judicature at Allahabad dated 05.12.2025 by which the application preferred by the respondent no.2 herein (convict) seeking suspension of the substantive order of sentence of life imprisonment passed by the Trial Court came to be allowed and, thereby, the respondent no.2 (convict) was ordered to be released on bail, pending the final disposal of his Criminal Appeal No.8969/2025.
3. This appeal is at the instance of the *de-facto* complainant (original first informant).
4. The respondent no.2 along with other co-accused was put to trial in the court of Sessions Judge, Azamgarh, in Sessions Trial No.226/2019.
5. The appellant and the other co-accused were charged with the offence of murder punishable under Section 302 of the Indian Penal Code (for short, "the IPC") and Sections 27 and 30 of the Arms Act, respectively.

6. At the end of the trial, the Trial Court held the respondent no.2 guilty of the alleged crime and sentenced him to undergo life imprisonment with fine.

7. The respondent no.2, being dissatisfied with the judgment and order of conviction and sentence passed by the Trial Court went before the High Court by preferring Criminal Appeal No.8969/2025. The Criminal Appeal has been admitted by the High Court.

8. In the said Criminal Appeal, the respondent no.2 preferred an application praying for suspension of the substantive order of sentence and release on bail, pending the final disposal of the appeal.

9. The High Court allowed the application and, accordingly, suspended the substantive order of sentence of life imprisonment.

10. In such circumstances referred to above, the appellant (original first informant) is here before us with the present appeal.

11. We heard Ms. Ruchi Kohli, the learned senior counsel appearing for the appellant and Mr. R. Basant, the learned senior counsel appearing for the respondent no.2.

12. We take notice of the fact that what weighed with the High Court is the fact that the convict has been undergoing life imprisonment past seven years and he has no other criminal history.

13. The High Court is also of the view that since the appeal is of the year 2025, it may not be taken up in near future and

in such circumstances, the High Court thought fit to exercise its discretion in favour of the convict.

14. The law as regards suspension of sentence of life imprisonment by an Appellate Court is well settled. If the sentence is for a fixed term, the Appellate Court may consider the plea of the convict for suspension liberally unless there are exceptional circumstances on record to decline even suspension of a fixed sentence. However, when it comes to considering the plea of a convict for suspension of sentence of life imprisonment, the relevant consideration at the end of the Appellate Court should be to look into something palpable, something glaring on the basis of which the Appellate Court may be in a position to reach to a *prima-facie* conclusion that the chances of acquittal in the criminal appeal are quite good.

15. We do not propose to say anything further in this matter as we are inclined to remit the matter to the High Court for fresh consideration of the plea of the respondent-convict seeking suspension of the substantive order of sentence of life imprisonment. The High Court shall hear both the sides and pass an appropriate order on merits in accordance with law.

16. In the result, the appeal is allowed. The impugned order passed by the High Court is set-aside and the matter is remitted to the High Court for fresh consideration of the plea of the convict seeking suspension of the substantive order of sentence of life imprisonment.

17. The impugned order is dated 05.12.2025. The convict has already been released on bail. He shall continue to remain on bail till a fresh appropriate order is passed by the High Court.

18. Let the matter be re-heard on its own merits within a period of four weeks from today.

19. It is needless to clarify that the High Court shall re-hear the matter, without being influenced in any manner by any of the observations made by this Court. The convict shall remain on bail on the very same terms and conditions on which he was ordered to be released earlier by the impugned order.

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

..... J  
(J.B. PARDIWALA)

..... J  
(K.V. VISWANATHAN)

NEW DELHI;  
06<sup>TH</sup> APRIL, 2026

ITEM NO.5

COURT NO.7

SECTION II

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).3870/2026

[Arising out of impugned final judgment and order dated 05-12-2025 in CRLA No. 8969/2025 passed by the High Court of Judicature at Allahabad]

DEVRAJ YADAV

Petitioner(s)

VERSUS

STATE OF U. P &amp; ANR.

Respondent(s)

IA No. 55382/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 06-04-2026 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) : Ms. Ruchi Kohli, Sr. Adv.  
Mr. Abhishek Singh, Adv.  
Mr. Suraj Mishra, Adv.  
Ms. Shrishti Mishra, Adv.  
Mr. Siddhartha Sinha, AOR

For Respondent(s) : Ms. Srishti Singh, AOR

Mr Rahul Jain, AOR  
Mr. R. Basant, Sr. Adv.  
Mr. Rahul Jain, Aor, Adv.  
Mr. Raunak Arora, 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.

(HARPREET KAUR)  
COURT MASTER (SH)

(POOJA SHARMA)  
COURT MASTER (NSH)