

ITEM NO.1501
(For Judgment)

COURT NO.4

SECTION II-C

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

CRIMINAL APPEAL NO(S). 1269/2013

MOHD NAUSHAD

APPELLANT(S)

VERSUS

STATE (GOVT. OF NCT OF DELHI)

RESPONDENT(S)

(IA No. 92657/2021 - GRANT OF BAIL, IA No. 24937/2023 - GRANT OF PAROLE)

WITH

CrI.A. No. 1270-1271/2013 (II-C)
(IA No. 142792/2019 - INTERIM BAIL)

CRL.A.....@ SLP(CrI) No. 6447-6451/2013 (II-C)

Date : 06-07-2023 These matters were called on for pronouncement of judgment today.

Counsel for the parties

Mr. Sanjay Jain, ASG
Mr. Rishi Raj Sharma, Adv.
Mr. Satyam Chatgurvedi, Adv.
Ms. Ashima Gupta, Adv.
Ms. Shruti Agrawal, dv.
Mr. Nishank Tripathi, Adv.
Mr. Shreekant Neelappa Terdal, AOR
Ms. Sonia Mathur, Adv.
Ms. Seema Nangani, Adv.
Mr. Padmesh Mishra, Adv.
Mr. Yuvraj Sharma, Adv.
Mr. Udai Khanna, Adv.
Dr. N. Visakamurthy, Adv.

Mr. Siddhartha Dave, Sr. Adv.
Mr. Farrukh Rasheed, AOR
Mr. Mohd Zahid Hussain, Adv.
Ms. Jamtiben Ao, Adv.
Ms. Vidhi Thakkar, Adv.
Mr. Prastut Dalvi, Adv.
Ms. Arushi Singh, Adv.
Mr. Abu Bakr Sabbaq, Adv.
Mr. Karthik Murukutla, Adv.
Mr. Ashish Sharma, Adv.

Ms. Kamini Jaiswal, AOR
Ms. Rani Mishra, Adv.
Mr. Abhimanue Shrestha, Adv.

1. Hon'ble Mr. Justice Sanjay Karol pronounced the judgment of the Bench comprising of Hon'ble Mr. Justice B.R. Gavai, Hon'ble Mr. Justice Vikram Nath and His Lordship.
2. Leave granted.
3. Criminal Appeal No. 1269/2013 and Criminal Appeal Nos. 1270-1271 of 2013 are dismissed and Crl. A. Nos.....@ SLP (Crl.) Nos.6447-6451 of 2013 are allowed, in terms of the signed judgment. Operative part of the judgment is extracted below:-

"211. In view of our discussion above, the common judgment dated 22.11.2012 rendered by the High Court of Delhi in Death Sentence Reference No.2 of 2010 and Criminal Appeal Nos.948, 949, 950 and 951 of 2010 is set aside. The appeals preferred by accused Mohd. Naushad, Criminal Appeal No. 1269/2013 and Javed Ahmed Khan, Criminal Appeal Nos. 1270-1271 of 2013 are dismissed.

212. The appeal preferred by the State (Govt. NCT of Delhi), Crl.A....@ SLP (Crl.) Nos.6447-6451 of 2013 are allowed with the result that : A3 - Mohd. Naushad stands convicted under Sections 302, 307, 411, 436 and 120B IPC as well as Section 5 of Explosive Substances Act; A5 - Mirza Nissar Hussain @ Naza and A6 - Mohd. Ali Bhatt @ Killey stand convicted under Sections 302, 307, 436, 411 and 120B IPC and A9 - Javed Ahmed Khan stands convicted under Sections 302, 307, 436 and 120B IPC.

213. In view of the severity of the offence resulting in deaths of innocent persons and the role played by each accused person, all these accused persons are sentenced to imprisonment for life, without remission, extending to natural life. Accused, if on bail, are directed to immediately surrender before the Court concerned and their bail bonds stand cancelled. A5 - Mirza Nissar Hussain @ Naza and A6 - Mohd. Ali Bhatt @ Killey are directed to surrender forthwith."

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

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(ANJU KAPOOR)
BRANCH OFFICER

(Signed "Reportable" Judgment is placed on the file)