

ITEM NO.2

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 for Special Leave to Appeal (CrL.) No.3018/2026

[Arising out of impugned final judgment and order dated 28-01-2026 in CRLA No. 6360/2023 passed by the High Court of Judicature at Allahabad]

MOHAMMAD ARIF

Petitioner(s)

VERSUS

STATE OF U.P

Respondent(s)

(IA No. 53777/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 53778/2026 - EXEMPTION FROM FILING O.T.)

Date : 08-04-2026 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) :Mr. Mohd. Fuzail Khan, AOR  
Ms. Shisba Chawla, Adv.  
Mr. Anisul Haque, Adv.

For Respondent(s) :Dr. Vijendra Singh, AOR  
Mr. Aniket Tiwari, Adv.

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

1. The petitioner was held guilty by the Trial Court for the

offence punishable under Sections 323, 326A and 498A of the Indian Penal Code, 1860 (for short "the IPC"), respectively and Sections 3 and 4 of the Dowry Prohibition Act, 1961 (for short, "the Act, 1961").

2. Being dissatisfied with the judgment and order of conviction and sentence of 10 years of rigorous imprisonment, The petitioner went before the High Court by way of Criminal Appeal No. 6360 of 2023. The Criminal Appeal preferred by the petitioner has been admitted and is awaiting for final hearing. In the said Criminal Appeal the petitioner preferred an application seeking suspension of the substantive order of sentence of 10 years of rigorous imprisonment and released on bail pending the final disposal of the criminal appeal.

3. The High Court declined to suspend the substantive order of sentence. In such circumstances, the petitioner is here before us with the present petition.

4. By our last order dated 26<sup>th</sup> February, 2026, we had called for the necessary information whether at the relevant point of time any dying declaration of the victims/injured was recorded by the Executive Magistrate or not. We had also clarified that even if there is any statement which may not be construed as a dying declaration as the victim survived, it would still be a

statement relevant under Section 155 of the Evidence Act, 1872 being the former statement of the injured.

5. Today, we looked into the statement of the victim in writing. Having looked into the statement of the victim in writing, we are not inclined to exercise our discretion in favour of the petitioner insofar as his plea for suspension of the substantive order of sentence is concerned.

6. The appeal is of the year 2023.

7. Since, the sentence is for a fixed term it will be in fitness of things, if the High Court takes up the Criminal Appeal preferred by the petitioner for final hearing.

8. In any view of the matter, if the appeal is not heard in next one year, it shall be open for the petitioner to once again renew his prayer for suspension of the sentence and release him on bail.

9. With the aforesaid, the Special Leave Petition stands disposed of.

10. Pending application(s), if any, stands disposed of.

(CHANDRESH)  
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)  
COURT MASTER (NSH)