

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 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 : 25-02-2026 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. Mohd. Fuzail Khan, AOR
Ms. Shisba Chawla, Adv.
Mr. Anisul Haque, Adv.

For Respondent(s) :

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

1. Issue notice, returnable on 18.3.2026.
2. Dasti service, in addition, is permitted.
3. On the next date of hearing, we would like to know from the learned counsel appearing for the State whether at the relevant point of time any dying declaration of the injured was recorded by the Executive Magistrate or not. If yes, we would like to read the said dying declaration.

4. We are conscious of the fact that since the victim/injured survived, the statement that might have been recorded by the Executive Magistrate cannot be termed as a "dying declaration" but it is admissible as a corroborative piece of evidence under Section 155 of the Evidence Act as a former statement of the injured witness.

5. We permit the learned counsel appearing for the petitioner to serve one set of his entire paper book to the learned counsel appearing for the State.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)