

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). _____ OF 2026
(Arising out of SLP(Crl.) @ Diary No.16118 of 2026)

KHURSHEED & ORS.

APPELLANT(S)

VERSUS

STATE OF U.P & ORS.

RESPONDENT(S)

O R D E R

1. Delay condoned.
2. Leave granted.
3. The appellants challenge the impugned judgment and order dated 13.02.2019 in Criminal Appeal No.471 of 1989, titled "*Zaheer and Ors. Vs. State of U.P.*", passed by the High Court of Judicature at Allahabad.
4. Having heard learned counsel for the appellants, we are of the considered view that in view of the law laid down by this Court in Criminal Appeal No.1106 of 2019 dated 23.07.2019, the impugned judgment/order needs to be quashed and set aside for the reasons that the instant appellants, who were neither served with Court notice for representation by the counsel of their choice nor appointed an *amicus curiae* before deciding the matter. The High Court has affirmed the judgment of conviction and sentence rendered by the Trial Court.
5. In view of the aforesaid reasons, the impugned judgment/order is quashed and set aside.
6. The matter is remanded to the High Court for consideration.
7. Criminal Appeal No.471 of 1989 is restored to its original

position and status.

8. We direct the parties to appear before the High Court on 22.05.2026.

9. Since the appeal pertains to the year 1989, we request the High Court to decide the same afresh, in accordance with law.

10. The learned counsel for the appellants undertakes to fully cooperate and not to seek any unnecessary adjournment.

11. Let the appellants file fresh bail bond within a period of two weeks from today, failing which they shall surrender before the Trial Court.

12. Learned counsel for the appellants submits that appellants had already made arrangements for their representation before all forums including the High Court.

13. The appeal is, accordingly, allowed.

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

.....J.
(SANJAY KAROL)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
MAY 8, 2026

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s).16118/2026

[Arising out of impugned final judgment and order dated 13-02-2019 in CRLA No.471/1989 passed by the High Court of Judicature at Allahabad]

KHURSHEED & ORS.

PETITIONER(S)

VERSUS

STATE OF U.P & ORS.

RESPONDENT(S)

IA No. 123322/2026 - ADDITION / DELETION / MODIFICATION PARTIES

IA No. 106702/2026 - CONDONATION OF DELAY IN FILING

IA No. 106703/2026 - EXEMPTION FROM FILING O.T.

IA No. 106704/2026 - EXEMPTION FROM SURRENDERING WITHIN TIME

Date : 08-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KAROL

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASHI

For Petitioner(s) :

Mr. Chandan Kumar, Adv.

Mr. Rajnish Kumar Jha, AOR

Mr. Ravi Raj, Adv.

Mr. Sakal Dev Sharma, Adv.

For Respondent(s) :

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

1. Delay condoned.
2. Leave granted.
3. The appeal is allowed in terms of the signed order, which is placed on the file.
4. Pending application(s), if any, shall stand disposed of.

(SOURAV PAL)
SENIOR PERSONAL ASSISTANT(ANU BHALLA)
COURT MASTER (NSH)