

ITEM NO.7

COURT NO.7

SECTION II-C

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

SPECIAL LEAVE PETITION (CRIMINAL) Diary No.17791/2026

[Arising out of impugned final judgment and order dated 09-07-2025 in CRMP No. 1437/2025 passed by the High Court of Himachal Pradesh at Shimla]

RAJESH KHACHI

Petitioner(s)

VERSUS

STATE OF HIMACHAL PRADESH

Respondent(s)

IA No. 98920/2026 - CONDONATION OF DELAY IN FILING
IA No. 98924/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT, IA No. 98923/2026 - EXEMPTION FROM FILING O.T.

Date : 07-04-2026 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. Siddhartha Dave, Sr. Adv.
Mr. Prastut Mahesh Dalvi, AOR
Mr. Karan Kapoor, Adv.
Ms. Vidhi Pankaj Thaker, Adv.
Mr. Himanshu Tyagi, Adv.

For Respondent(s) :

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

1. Delay condoned.
2. The petitioner along with his two sons was put to trial in Sessions Trial No.20-S/7 of 2023 for the offence punishable

under Sections 302, 341, 323, 325 read with 34 of the Indian Penal Code, 1860 (for short "the IPC"), respectively and Sections 27, 54 and 59 of the Arms Act, 1959 (for short, "The Act, 1959"), respectively.

3. At the end of the trial, the petitioner and his two sons were held guilty of the alleged crime. They were sentenced to undergo life imprisonment with fine. The petitioner and his two sons have challenged the judgment and order of conviction passed by the Trial Court by filing criminal appeal(s) in the High Court.

4. In the Criminal Appeal preferred by the petitioner before us, he preferred an application under Section 389 of the Criminal Procedure Code, 1973 (for short, "the Cr.PC.") praying for suspension of the substantive order of sentence and release him on bail pending the final disposal of the appeal.

5. The High Court declined to suspend the substantive order of sentence, so far as the present petitioner is concerned.

6. In such circumstances, referred to above, the petitioner is here before us with the present petition.

7. We heard Mr. Siddhartha Dave, the learned senior counsel appearing for the petitioner.

8. Mr. Dave has manifold contentions to canvass to make good his case for suspension of the substantive order of sentence. His principal argument is that even if the entire case of the prosecution is accepted as true, it's a case falling within exception 4 of Section 300 of the IPC. In other words, his endeavour is to persuade us to take the view that the case is not one of murder but culpable homicide not amounting to murder.

9. Of course, the aforesaid contention is without prejudice to his other contentions on merits.

10. We are of the view that we should request the High Court to take up the Criminal Appeal No. 90 of 2024 for hearing.

11. We request the High Court to see that this appeal is heard finally and disposed of within a period of six months from today.

12. Mr. Dave brought to our notice that the appeal is common. In other words, it has been filed by the petitioner and his two sons jointly.

13. If the two co-accused, i.e., two sons of the petitioner, want to move an application seeking suspension of the substantive order of sentence, it shall always be open for them to prefer such an application and if any such application is

preferred, the Court shall look into it on its own merits in accordance with law.

14. By any chance, if the appeal is not taken up for hearing within six months, it shall be open for the petitioner to renew his prayer for suspension of the substantive order of sentence.

15. With the aforesaid, this Special Leave Petition stands disposed of.

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

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)