

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No(s). /2026
SLP (CrI.) No(s). /2026
@SLP (CrI.) Diary No(s). 25168/2026

MOHAMMED IKRAM

Appellant (s)

VERSUS

THE STATE REPRESENTED BY THE DEPUTY SUPERINTENDENT OF POLICE
Respondent (s)

O R D E R

1. Delay condoned.
2. Ms. Arpitha Anna Mathew, learned counsel has waived service of notice for the State of Tamil Nadu.
3. Leave granted.
4. Heard learned counsel for the parties.
5. This appeal arises from an order dated 18.11.2025 passed by the High Court of Judicature at Madras rejecting the application of the appellant seeking

suspension of sentence awarded by the trial court.

6. At the outset, learned counsel for the appellant submits that co-accused Mubarik, who is identically placed as the appellant, was granted benefit of suspension of sentence by this Court *vide* order dated April 06, 2026 passed in Criminal Appeal No. 1763/2026 arising out of SLP (Crl) No. 2838/2026. In such circumstances, it is submitted that appellant is also entitled to the benefit of suspension of sentence on ground of parity.

7. The order of this Court dated 06.04.2026 in Criminal Appeal No. 1763/2026 is extracted below:

"1. Leave granted.

2. Heard learned counsel for the parties.

3. This appeal arises from an order dated 18.11.2025 passed by the High Court of Judicature at Madras rejecting the application of the appellant to suspend the sentence awarded by the trial court during pendency of his Criminal Appeal No. 1755/2025.

4. The submission of the learned counsel

for the appellant is that trial court has convicted the appellant for offences punishable under Section 109(1) read with Section 54 of BNS and for an offence punishable under the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

5. Imprisonment of 5 years is awarded for the offence punishable under Section 109 (1)/54 of BNS and three years for the other offence. Insofar as the offence punishable under Section 109(1) read with Section 54 of BNS is concerned, it is submitted, the same would be attributable to the lorry driver, not the appellant who, as per the prosecution case, was travelling in that lorry. As far as damage to the public property is concerned that has been caused by the lorry, which was driven by some other person.

6. In such circumstances, it is submitted that since the appellant has already suffered sentence for a period exceeding one year six months, and the maximum sentence awarded is of five years, it is in the interest of justice that the appellant be released on bail after suspension of sentence, pending consideration of his appeal.

7. The learned counsel for the respondent has opposed the prayer for suspension of sentence.

8. Having considered the rival submissions and having regard to the prosecution case qua the appellant as also that a term sentence has been awarded, and the appeal is not likely to be heard in near future, we are of the view that the appellant is entitled for suspension of sentence at this stage.

9. Accordingly, the appeal is allowed. The order of the High Court rejecting the prayer of the appellant to suspend

the sentence pending consideration of his appeal by the High Court is set aside. The sentence awarded by the trial court to the appellant shall remain suspended pending consideration of the appeal by the High Court.

10. The appellant shall be released on bail on such terms and conditions as the trial court may deem fit to impose in the facts and circumstances of the case.

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

8. Having regard to the above, we dispose of this appeal in terms of the order dated 06.04.2026 passed in Criminal Appeal No. 1763/2026 (supra).

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

..... J
[MANOJ MISRA]

..... J
[MANMOHAN]

New Delhi;
May 13, 2026.

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 SCriminal Appeal No(s). /2026SLP (CrL.) No(s). /2026@SLP (CrL.) Diary No(s). 25168/2026

[Arising out of impugned final judgment and order dated 18-11-2025 in CRLMP No. 21578/2025 passed by the High Court of Judicature at Madras]

MOHAMMED IKRAM

Petitioner(s)

VERSUS

THE STATE REPRESENTED BY THE DEPUTY SUPERINTENDENT OF POLICE
Respondent(s)

IA No. 140275/2026 - CONDONATION OF DELAY IN FILING

IA No. 140272/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 140274/2026 - EXEMPTION FROM FILING O.T.

Date : 13-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA

HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) :

Ms. Nilofar Khan, AOR
Mr. Syed Kashif Hussain, Adv.
Ms. Afrin Khan, Adv.
Ms. Megha Sharma, Adv.

For Respondent(s) : Mr Sabarish Subramanian, AOR

Ms Arpitha Anna Mathew, Adv.

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

1. Delay condoned.
2. Leave granted.
3. The appeal is disposed of in terms of

the signed order placed on the file.

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

(CHETAN ARORA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)