



2026 INSC 654

NON-REPORTABLE**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO. 3081 OF 2026
[ARISING OUT OF S.L.P. (CRIMINAL) NO. 19486 OF 2025]****ISRAFIL @ PAPPU @ NAIMUDDIN KHAN****... APPELLANT(S)****VERSUS****STATE OF MADHYA PRADESH****... RESPONDENT(S)****J U D G M E N T****PRASHANT KUMAR MISHRA, J.**

1. Leave granted.
2. The present Appeal arises out of the judgment dated 30.04.2025 passed by the High Court of Madhya Pradesh at Jabalpur in Criminal Appeal No. 653 of 2024, whereby the High Court dismissed the appeal preferred by the appellant herein and affirmed the judgment of conviction and sentence dated 06.01.2024 passed by the Fifth Additional Sessions Judge, Rewa, Madhya Pradesh in Sessions Case No. 200089 of 2015. By the said judgment, the appellant was convicted for offences punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860¹ and sentenced to undergo rigorous

¹ For short, 'IPC'

imprisonment for five years on each count along with fine of Rs.1,000/- under each head, with the substantive sentences directed to run concurrently.

3. This Court, by order dated 21.11.2025, issued notice limited to the question of quantum of sentence. Consequently, the present proceedings are confined only to the issue relating to the sentence imposed upon the appellant and the conviction recorded by the Trial Court, as affirmed by the High Court, is not under consideration in this judgment before this Court.

4. The prosecution's case, in brief, is that on 15.09.2014, in connection with Criminal Case No. 07 of 2014 pending before the Court of the Judicial Magistrate First Class, Rewa, the appellant appeared before the Court for the purpose of furnishing surety/bail on behalf of an accused person namely Mukesh Dahiya and, in support thereof, produced a Bhu Adhikar Rin Pustika (Land Rights and Loan Book) bearing No. 943/0124451 allegedly issued on 31.01.2013 in relation to agricultural land situated at Village Amirati, Tehsil Gurh, District Rewa, Madhya Pradesh. The said document purportedly reflected agricultural land standing in the name of Naimuddin Khan son of Allauddin Khan along with other co-sharers in relation to Khasra Nos. 713 and 714.

5. According to the prosecution, during scrutiny of the said document in the course of the bail proceedings, the learned Judicial Magistrate noticed certain irregularities in the land rights documents, particularly with regard to the sequence and pagination of its pages, inasmuch as page no.10 allegedly appeared immediately after page no.2, thereby creating suspicion regarding the genuineness of the document. Since the appellant was unable to

satisfactorily explain the anomaly, a communication was addressed to Police Station Civil Lines, Rewa directing inquiry and appropriate action in the matter.

6. Pursuant thereto, FIR No. 562 of 2014 dated 15.09.2014 came to be registered at Police Station Civil Lines, Rewa for offences punishable under Sections 420, 466, 467, 468 and 471 of the IPC on the allegation that the appellant/accused had produced a forged Bhu Adhikar Rin Pustika before the Court and had used the same as a genuine document for securing bail.

7. During the course of investigation, the disputed document was subjected to verification from the concerned revenue authorities and inquiry was conducted with regard to the entries contained therein. The prosecution's case proceeded on the footing that the subject documents produced before the Court was forged and that the appellant had knowingly used the same as a genuine document in judicial proceedings. During investigation, the identity of the appellant/accused came to be described at different stages as "Naimuddin Khan son of Allauddin Khan", "Naimuddin Khan son of Allauddin Khan alias Raheesh Khan" and "Israfil @ Pappu @ Naimuddin son of Raheesh Khan". Upon completion of investigation, charge-sheet came to be filed against the appellant for the aforesaid offences.

8. The case having been committed to the Court of Sessions, Sessions Case No.200089 of 2015 was conducted before the Trial Court. During trial, the prosecution examined witnesses including the concerned Patwari and the investigating officials in support of the allegations relating to the genuineness of the subject documents and their use in the bail proceedings. Certain

discrepancies with respect to the investigation and the identity particulars of the accused were also brought on record during cross-examination of the prosecution witnesses.

9. Upon appreciation of the oral and documentary evidence adduced by the prosecution, the Trial Court, by judgment dated 06.01.2024, acquitted the co-accused Ashish Garg but convicted the present appellant under Sections 420, 467, 468 and 471 of the IPC and sentenced him as aforesaid.

10. Aggrieved thereby, the appellant preferred Criminal Appeal No. 653 of 2024 before the High Court under Section 374(2) of the Code of Criminal Procedure, 1973. The principal contention raised before the High Court was that the prosecution suffered from material discrepancies regarding the identity of the accused and that there was no reliable evidence to establish that the appellant had forged the document in question. The appellant also questioned the manner of investigation and relied upon inconsistencies emerging from the prosecution evidence.

11. The High Court, however, by the impugned judgment dated 30.04.2025, dismissed the appeal and affirmed the conviction and sentence imposed by the Trial Court. The High Court held that the prosecution had succeeded in establishing the charges against the appellant on the basis of reliable oral and documentary evidence and further found no reason to interfere with the findings recorded by the Trial Court. The High Court also observed that merely because the co-accused had been acquitted, the appellant could not claim acquittal as a matter of course.

12. It is in the aforesaid background, and confined to the question relating to the propriety and adequacy of the sentence imposed upon the appellant, that the present Appeal falls for consideration before this Court.

13. As noticed hereinabove, by virtue of our order dated 21.11.2025, the scope of the present proceedings is confined only to the question of quantum of sentence imposed upon the appellant.

14. Learned counsel appearing for the appellant submitted that the occurrence pertains to the year 2014 and the appellant has faced criminal proceedings for more than a decade. It was further submitted that the appellant is not alleged to be a habitual offender and that no subsequent criminal antecedents have been brought to the notice of this Court. Learned counsel urged that though the conviction is not being considered by this Court, the substantive sentence of rigorous imprisonment for five years imposed upon the appellant deserves reconsideration in the peculiar facts and circumstances of the case.

15. *Per contra*, learned counsel appearing for the State submitted that the offence is of a serious nature inasmuch as the appellant had used a forged revenue document before a Court of law for the purpose of securing bail. It was contended that offences involving forgery and use of forged documents in judicial proceedings strike at the purity of the administration of justice and, therefore, do not warrant undue leniency.

16. We have considered the rival submissions and have perused the materials placed on record.

17. There can be no manner of doubt that offences involving forgery and use of forged documents in judicial proceedings are serious in nature. Sections 467, 468 and 471 of the IPC deal with the offences which undermine the authenticity and sanctity attached to public and legal documents. Use of forged documents before a Court of law cannot be viewed lightly.

18. At the same time, while considering the question of sentence, the Court is required to balance the nature of the offence with the attendant facts and circumstances of the case, the role attributed to the accused, the period of incarceration undergone, the passage of time and other mitigating circumstances relevant to sentencing jurisprudence. The principle of proportionality remains central to the sentencing process. Sentencing cannot be reduced to a purely retributive exercise divorced from the factual matrix of the case and the overall circumstances of the offender.

19. In the facts of the present case, certain circumstances deserve due consideration. Notably, the occurrence pertains to the year 2014 and the appellant has remained under the shadow of criminal proceedings for more than a decade. No material has been placed before this Court indicating that the appellant is a habitual offender or that he was involved in similar criminal activity either prior or subsequent to the present occurrence.

20. It is also relevant to notice that the disputed document was detected during scrutiny at the threshold stage itself during the bail proceedings and the alleged misuse did not ultimately culminate into any irreversible pecuniary or proprietary consequence. Though that by itself does not dilute

the seriousness of the offence, it nevertheless constitutes a relevant circumstance while considering the question of proportionality of sentence.

21. The prosecution's case essentially pertains to the use of a forged revenue document for furnishing surety in judicial proceedings. The present case is not one involving organized criminal activity, large-scale economic fraud, systematic forgery affecting public institutions, or recurring acts of deception causing widespread financial loss. While the offence cannot be treated lightly, sentencing must ultimately remain proportionate to the overall factual matrix and the degree of criminality reflected in the case.

22. On 21.11.2025, this Court had issued notice in this Appeal limited to the question of quantum of sentence. The present case, therefore, falls within the limited arena of examining whether the sentence imposed upon the appellant warrants interference on the touchstone of proportionality and the overall facts and circumstances of the case.

23. This Court, in catena of cases before it, while maintaining conviction, had exercised its discretion and had reduced the substantive sentence considering long passage of time, absence of criminal antecedents and other mitigating circumstances. For instance, in ***Padum Kumar vs. State of Uttar Pradesh***², while maintaining conviction for offences including Sections 467 and 468 of the IPC, this Court reduced the sentence considering the age of the matter, the sentence already undergone and taking into account the peculiar facts and circumstances of the case. The long lapse of time without

² (2020) 3 SCC 35

any material indicating repetition of similar criminal conduct is also a relevant consideration while moulding sentence. The appellant has already undergone the rigours of criminal proceedings for over a decade since 2014.

24. It is also relevant to notice that, as borne out from the custody certificate placed on record, the appellant is currently in jail and has remained in custody from 19.09.2014 to 01.12.2014 and thereafter again from 06.01.2024. As on date, the appellant had undergone over two years of incarceration. The period of custody already undergone is also a relevant circumstance while considering the question of proportionality of sentence in the facts of the present case.

25. Having regard to the overall facts and circumstances of the case, the nature of allegations, the period elapsed since the occurrence, the absence of criminal antecedents brought to the notice of this Court, and the fact that the appellant has faced criminal proceedings for more than ten years, we are of the considered view that the ends of justice would be adequately met if the substantive sentence imposed upon the appellant is modified.

26. Consequently, while maintaining the conviction of the appellant for offences punishable under Sections 420, 467, 468 and 471 of the IPC, the substantive sentence imposed upon him is reduced to the period already undergone. The fine imposed by the Trial Court, as affirmed by the High Court, shall remain unaltered.

27. The appellant shall be released forthwith, if not required in any other case, subject to the deposit of fine imposed by the Trial Court, if not already paid.

28. Accordingly, the Appeal is ***partly allowed*** in the above terms.

.....J.
(PRASHANT KUMAR MISHRA)

.....J.
(N.V. ANJARIA)

**NEW DELHI;
JUNE 23, 2026.**