



2026 INSC 768

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
MISCELLANEOUS APPLICATION NO.1802 OF 2026
IN
CRIMINAL APPEAL NO.1790 OF 2017

SUDESH PAL

-

**... APPLICANT/
APPELLANT**

VERSUS

STATE OF UTTAR PRADESH

... RESPONDENT

ORDER

The present Miscellaneous Application No.1802/2026 has been preferred by the applicant/appellant, one Sudesh Pal, seeking this Court's indulgence to modify the judgment and order dated 09.11.2023 in Criminal Appeal No.1790 of 2017 passed by

this Court wherein the sentence of imprisonment for life awarded to him by the High Court was confirmed. The said miscellaneous application has been filed by applicant/appellant praying for his release on account of prolonged incarceration, old age and on parity with the co-accused, Madan whose sentence of death penalty was modified by this Court to imprisonment for a fixed term of twenty years and is therefore now released having completed his sentence.

Briefly stated, the facts of the case are that on 14.10.2003, an FIR No.197 of 2003 was registered based on a written complaint against nine accused including the applicant/appellant herein at Police Station Babri, District Muzaffarnagar, under Sections 147, 148, 149, 302, 307, 452 and 323 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC'). On 13.07.2005, charges were framed against the applicant/appellant and other co-accused persons by the Sessions Court under Sections 148, 302/149, 307/149, 323/149 and subsequently, vide judgement and order dated 31.07.2015, the applicant/appellant and the co-accused Madan and Ishwar were

convicted under Section 302 read with Section 149 of IPC. The applicant/appellant and co-accused Madan were awarded death penalty a fine of Rs.50,000/-, whereas the third co-accused Ishwar was sentenced to imprisonment for life.

Aggrieved, the applicant/appellant, co-accused Madan and Ishwar, assailed their convictions and sentences in Capital Case No.3359 of 2015, Capital Case No.3320 of 2015 and Criminal Appeal No.3519 of 2015 respectively before the High Court of Judicature of Allahabad. Vide judgment dated 22.02.2017, the appeal filed by the applicant/appellant was partly allowed whereby his sentence of death penalty was converted into imprisonment for life whereas appeal filed by co-accused Madan was dismissed and the sentence of death penalty awarded to him was upheld. The criminal appeal filed by co-accused Ishwar was dismissed and the sentence of imprisonment for life awarded to him was upheld. Aggrieved by the judgment and order dated 22.02.2017, the co-accused Madan and the present appellant/applicant, preferred Special Leave Petitions before this Court.

By way of a common judgment dated 09.11.2023, Criminal Appeal No.1790 of 2017 preferred by the applicant/appellant was dismissed and thereby his sentence of imprisonment for life awarded by the High Court was confirmed. With respect to the criminal appeal preferred by the co-accused Madan, this Court, while confirming his conviction under Section 302 IPC converted the death penalty imposed upon him to imprisonment for a fixed term of twenty years without remission.

Aggrieved, the applicant/appellant has preferred the present Miscellaneous Application for modification of his sentence on account of his good conduct and behaviour, old age and long incarceration by converting the sentence of imprisonment for life to twenty years of actual imprisonment and by treating him at par with other co-accused.

We have heard learned counsel for the applicant/appellant as well as learned standing counsel for the respondent-State.

We have perused the material on record.

During the course of submissions, learned counsel for the applicant/appellant drew our attention to the fact that both the applicant/appellant herein as well as the co-accused-Madan were imposed with death penalty by the Sessions Court. In the High Court, the death penalty of the applicant herein was converted into life imprisonment while that of the co-accused Madan was sustained. Thereafter, in their appeals before this Court, the sentence of the co-accused Madan was modified from death penalty to life imprisonment, for a fixed term of twenty years and since he had already undergone imprisonment for the said period, he was released.

Learned counsel for the applicant/appellant submitted that insofar as the applicant herein is concerned, the principle of parity may be applied and a similar sentence may be imposed inasmuch as the applicant has also completed over twenty four years of sentence with remission. He therefore submitted that the application may be allowed on par with the case of the co-accused-Madan.

Per contra, learned standing counsel for the respondent-State submitted that the co-accused-Madan was granted the benefit of a fixed term imprisonment owing to his medical condition and since the said aspect does not occur in the case of the applicant herein, the principle of parity may not be applied.

We have considered the arguments advanced at the bar.

We note the applicant herein has already completed twenty four years' of imprisonment with remission. The point to be considered is the principle of parity with regard to the nature of the punishment that has been imposed on the accused. When the benefit of commutation of death penalty to life imprisonment was granted by this court to the co-accused Madan and the imprisonment also was for a fixed term of twenty years and he has been released, we find that by application of the principle of party, insofar as the case of the applicant is concerned, who was not imposed the death penalty by the High Court, but had the benefit of commutation to life imprisonment must also be restricted to a similar period of twenty years.

Since the applicant has already completed the twenty years of imprisonment with remission, we find that the ends of justice would be served if he is directed to be released. Consequently, we direct that the applicant shall be released forthwith.

Miscellaneous application is allowed in the aforesaid terms.

.....J.
(B.V. NAGARATHNA)

.....J.
(R. MAHADEVAN)

**NEW DELHI;
JULY 15, 2026.**

ITEM NO.2/1

COURT NO.3

SECTION II

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

MISCELLANEOUS APPLICATION NO.1802/2026 IN CRL.A.NO.1790/2017

[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 09-11-2023 IN CRL.A. NO. NO. 1790/2017 PASSED BY THE SUPREME COURT OF INDIA]

SUDESH PAL

PETITIONER(S)

VERSUS

THE STATE
RESPONDENT(S)

OF

UTTAR

PRADESH

IA NO. 271775/2025 - APPROPRIATE ORDERS/DIRECTIONS

IA NO. 168319/2026 - DISCHARGE OF ADVOCATE ON RECORD

IA NO. 271785/2025 - EX-PARTE BAIL

IA NO. 271778/2025 - EXEMPTION FROM FILING PAPER BOOKS

Date : 15-07-2026 This matter was called on for hearing today.

CORAM : HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) : Mr. Aarif Ali, Adv.
Mr. Mujahid Ahmad, Adv.
Mr. Chand Qureshi, AOR
Mr. Rajkumar Yadav, Adv.
Mr. Mohd Faiz Ahmed, Adv.

For Respondent(s) : Mr. Vishwa Pal Singh, AOR
Mr. Ambrish Tiwari, Adv.
Mr. Srikant Singh, Adv.
Mr. Srajan Shankar Kulshreshtha, Adv.
Mr. Suraj Pal Singh Mina, Adv.
Mr. Anurag Nagar, Adv.
Mr. Shivom Garg, Adv.
Mr. Amit Kumar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Miscellaneous application is allowed in terms of the reportable signed order, which is placed on file.

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

(B. LAKSHMI MANIKYA VALLI)
COURT MASTER (SH)

(DIVYA BABBAR)
COURT MASTER (NSH)