

ITEM NO.80

COURT NO.13

SECTION II

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.11568/2025

[Arising out of impugned final judgment and order dated 21-05-2024 in CRLA No. 2452/2023 passed by the High Court of Judicature at Allahabad]

IBRAHIM ANSARI

Petitioner(s)

VERSUS

THE STATE OF UTTAR PRADESH

Respondent(s)

Date : 07-03-2025 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :

Ms. Shisba Chawla, AOR

Mr. Mohd. Fuzail Khan, Adv.

For Respondent(s) :

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

1. We were inclined to reject this petition outright.
2. The petitioner was put to trial for the offence of murder along with his wife.
3. As per the case of the prosecution, the deceased was in illicit relationship with the wife of the petitioner - herein. The petitioner had a spite against the deceased on the date of the incident when the deceased came out of the mosque after offering Namaz on a Friday afternoon, the petitioner - herein is alleged to have inflicted stab injuries with a knife.
4. The deceased succumbed to the injuries. The two brothers of the petitioner are the eye-witnesses to the incident.
5. The Trial Court held the petitioner - herein guilty of the offence of murder and sentenced him to undergo life imprisonment. However, the co-accused i.e. the wife came to be acquitted.

6. The incident is of the year 2014. It took 9 years for the Trial Court to conclude the trial.
7. The Judgment and order of conviction passed by the Trial Court is of the year 2023.
8. The Trial Court's judgment has now been challenged in the High Court by filing Criminal Appeal No.2452/2023.
9. Pending the appeal, the petitioner - herein, preferred an application under Section 389 of the Code of Criminal Procedure, 1973 which is now Section 430 of the Bharatiya Nagrik Suraksha Sanhita, 2023 and prayed for suspension of the substantive order of sentence of life imprisonment.
10. Time and again, this Court has said that the plea for suspension of sentence should be considered liberally if the sentence is for a fixed term and there are no other exceptional circumstances to decline. However, if the sentence is of life imprisonment, then for the purpose of considering the plea for suspension of sentence, what should be looked into is something palpable on the basis of which, the appellate court can *prima facie* reach to the conclusion that there are all possible chances that the convict may get acquitted.
11. Be that as it may, the High Court has declined to suspend the substantive order of sentence. The problem is that this matter is from Allahabad. The criminal appeal of the petitioner (convict) is of 2023. We wonder when this appeal would be taken up for hearing.
12. The petitioner is in jail past almost 10 years.
13. The State needs to answer the aforesaid.
14. Issue notice returnable after four weeks.
15. Dasti service, in addition, is permitted.
16. Liberty is granted to serve the Standing counsel for the State of UP.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)