



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL No.3053/2026
[Arising out of SLP (Crl.) No.10953/2026]

**RAFEEQ ALIAS MOTA
& ANR.**

APPELLANTS

VERSUS

STATE OF UTTAR PRADESH

RESPONDENT

ORDER

1. Leave granted.
2. The High Court of Judicature at Allahabad, by the impugned judgment and order dated 10th February, 2023, has rejected the appellants' prayer for suspension of sentence under Section 389 of the

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Code of Criminal Procedure, 1973.

3. Appellants - Rafeeq Alias Mota and Munna @ Fareed @ Lagghar - were convicted by the relevant Sessions Court for offences punishable under Sections 147, 148, 149, 302 and 120-B of the Indian Penal Code, 1860 and sentenced to undergo life imprisonment. They are in continuous custody since 02nd April, 2012 and 04th April, 2012 respectively.

4. Such conviction and sentence having been carried by the appellants before the High Court in appeal under Section 374(2), Cr. PC. in the year 2021, the same is pending.

5. The prospect of early hearing of the appeal seems to be remote, having regard to the huge pendency of criminal appeals in the High Court.

6. Considering the law laid down by this Court in *Kashmira Singh v. State of Punjab* : (1977) 4 SCC 291, we are inclined to allow the prayer for

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suspension of sentence and release the appellants on bail. Ordered accordingly.

7. Consequently, we set aside the impugned judgment and order.

8. Appellants be released on bail, subject to such terms and conditions as may be fixed by the trial court.

9. We clarify that the observations made in this order and grant of bail will not be treated as findings on the merits of the appeal.

10. Appellants shall, however, diligently pursue the appeal before the High Court. If the High Court finds that the appellants are disinterested in taking the appeal to its logical conclusion, it may pass appropriate order including cancellation of bail.

11. The appeal is, accordingly, allowed on the aforesaid terms.

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

13. We clarify that nothing contained in this order shall preclude the State of Uttar Pradesh from considering the application for pre-mature release of the appellants in accordance with law.

.....J.
(DIPANKAR DATTA)

.....
J.
(SATISH CHANDRA SHARMA)

**New Delhi;
June 05, 2026.**

ITEM NO.7

COURT NO.4

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) No.10953/2026

RAFEEQ ALIAS MOTA & ANR.

Appellants

VERSUS

STATE OF U.P.

Respondent

I.A. No.165073/2026-EXEMPTION FROM FILING C/C OF
THE IMPUGNED JUDGMENT

I.A. No.165074/2026-EXEMPTION FROM FILING O.T.

Date : 05-06-2026 This matter was called on for
hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

PARTIAL COURT WORKING DAYS BENCH

For Appellant(s) : Mr. MZ Chaudhary, Adv.
Mr. Shoaib Ahmad Khan, Adv.
Mr. Sandeep Garausa, Adv.
Mr. Md. Anas Chaudhary, Adv.
Mr. Tabarak Hussain, Adv.
Mr. Mohd. Sharyab Ali, Adv.
Ms. Shehla Chaudhary, Adv.
Mr. Ansar Ahmad Chaudhary, AOR

For Respondent(s) : Mr. Ankit Goel, AOR
Ms. Sthavi Asthana, Adv.
Mr. Manish Kumar, Adv.

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

1. Leave granted.
2. The appeal is allowed in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

(MANIK KUMAR) (SUDHIR KUMAR SHARMA)
SENIOR PERSONAL ASSISTANT COURT MASTER (NSH)
(signed order is placed on the file)