

ITEM NO.9

COURT NO.15

SECTION II

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 17146/2025

[Arising out of impugned final judgment and order dated 08-09-2025
in CRA No. 2710/1983 passed by the High Court of Judicature at
Allahabad]

MOHAN & ORS.

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH

Respondent(s)

IA No. 256453/2025 - EXEMPTION FROM FILING O.T.

Date : 18-11-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) :

Mr. Siddhartha Dave, Sr. Adv.
Mr. Farrukh Rasheed, AOR
Ms. Shifa, Adv.
Ms. Arundati Mukherji, Adv.
Mr. Shakeel Ahmed, Adv.

For Respondent(s) :

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

1. The submission of the learned Counsel for
the petitioners is that admittedly there is

a long standing enmity between the accused party and the victim party.

2. According to the prosecution case, ten persons arrived at the place of occurrence differently armed. As per PW1, three entered the room and fired shots at the deceased whereas according to PW2, four entered the room and fired shots.

3. Insofar as Petitioner No. 4 (Chippoo) and Petitioner No. 6 (Gyan Bhushan) are concerned, they are stated to be armed with sharp edged weapons of which no injury is found. The three, who allegedly entered the room and fired shots, are Petitioner No. 1 (Mohan), Gulbadan (died during the course of the appeal before the High Court) and Petitioner No. 3 (Kaira). Insofar as Petitioner No. 2 (Ramanuj) is concerned, PW2 states that he also entered the room along with other three whereas PW1 does not state that he also entered the room.

4. It has been stated that Petitioner No. 2 (Ramanuj) is now aged 97 years and by a speaking order of this Court dated

17.10.2025, he has been exempted from surrendering. Likewise, this Court has granted exemption from surrendering to Petitioner No. 4 (Chippoo) who is now aged 80 years. It has also been argued that Devpal who had received injuries was not examined as a prosecution witness though summoned as a Court witness. He, however, did not support the prosecution case.

5. Leave granted.

6. Issue notice, returnable in six weeks.

7. Having regard to the submissions noticed above, we deem it appropriate to suspend the sentence awarded to Petitioner No. 2 (Ramanuj); Petitioner No. 4(Chippoo); Petitioner No 5 (Bhadela); and Petitioner No. 6 (Gyan Bhushan).

8. As petitioner No 2 (Ramanuj) and Petitioner No. 4 (Chippoo) have been exempted from surrendering, we deem it appropriate to direct that the interim protection granted by this Court shall continue till the disposal of this appeal provided they submit bail bonds within three

weeks from today to the satisfaction of the Trial Court.

9. We further direct that the Petitioner No. 5 (Bhadela) and Petitioner No. 6 (Gyan Bhushan) shall be released on bail on such terms and conditions as the Trial Court may deem fit to impose.

10. Let the records of the courts below be called for.

11. List this matter for hearing in due course.

(CHETAN ARORA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)