

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO(S). \_\_\_\_\_ OF 2026  
(@ SPECIAL LEAVE PETITION (CRL.) NO(S).15191 OF 2026)**

**NAZARUL**

**...APPELLANT**

**VERSUS**

**THE STATE OF U.P.**

**...RESPONDENT**

**O R D E R**

Leave granted.

2. The present appeal has been preferred challenging the final judgement and order dated 29.05.2026, passed by the High Court of Judicature at Allahabad in Criminal Appeal No. 902 of 1988.

3. Briefly stated, the facts of the case are that the prosecution case was set in motion upon receipt of a written application lodged by the complainant at Police Station Didauli, Moradabad on 12.08.1983. Pursuant thereto, FIR No. 185 of 1983 came to be registered. The complainant alleged that during the preceding night, five to six unknown miscreants had entered his thatched

Signature Not Verified  
Digitally signed by  
BORRA LM, ALU  
Date: 2026.10.15  
16:52:56 IST  
Reason: 

Shed and kidnapped his ten year old son. On the basis of the said

allegations, Case Crime No. 218 of 1985 came to be registered under Section 364 of the Indian Penal Code, 1860 (for short “IPC”) against unknown persons. On 12.08.1983, the son of the complainant was recovered from the custody of one of the co-accused.

3.1 Upon completion of the investigation, the Police submitted charge-sheets against the five accused persons, amongst whom, one accused person was absconding and was not part in the present trial. The Trial Court framed charges against the appellant and two other co-accused persons named, Harishchandra and Bholu for offences punishable under Section 147 and Section 364 read with Section 149 of the IPC. Charges were framed against another co-accused person named, Dulha under Section 368 of IPC.

3.2 The Trial Court, vide its judgement dated 06.04.1988 in Sessions Trial No. 70 of 1985, acquitted one of the co-accused persons namely Bholu and convicted another co-accused person, namely Dulha under Section 368 of IPC. The Trial Court convicted the appellant herein and another co-accused person,

named Harishchandra for the commission of an offence punishable under Section 364 read with Section 149 of the IPC and sentenced them to undergo rigorous imprisonment for three years and to pay a fine of Rs. 1,000/-. The appellant and another co-accused were further convicted under Section 147 of the IPC and sentenced to undergo rigorous imprisonment for two years. Both of the sentences were to run concurrently.

3.3 Aggrieved by the judgement of conviction and order of sentence, the appellant and other two co-accused persons preferred Criminal Appeal No. 902 of 1988 before the High Court of Judicature at Allahabad. By the impugned judgement dated 29.05.2026, the High Court dismissed the appeal affirming the conviction and sentence.

3.4 Aggrieved by the dismissal of his appeal by the High Court, the appellant has preferred the present appeal.

4. We have heard learned counsel for the appellant and learned special counsel for the respondent-State of Uttar Pradesh. We have also perused the material on record.

5. The incident has occurred in the year 1983 and the Criminal

Appeal filed by the appellant herein was of the year 1988 and the said appeal was disposed of by the High Court only on 29.05.2026, thirty eight years' later.

6. All these decades, the appellant herein had the benefit of bail and it is only pursuant to the disposal of the Criminal Appeal by the High Court that the appellant has been in jail.

7. Keeping in view the facts and circumstances of the case and the rival contentions of both sides, we are of the opinion that the relief in part is made out in this appeal. We, particularly, take note of the age and ill-health of the appellant herein.

8. Consequently, we allow this appeal in-part by reducing the sentence of imprisonment imposed by the Trial Court from three years (including the period already undergone) to ten months and by increasing the sentence of fine imposed by the Trial Court from Rs.1,000/- to Rs.10,000/-.

9. The respondent-State shall ascertain the period of incarceration of the appellant herein and release him on completion of ten months of incarceration on payment of fine imposed herein in addition to fine already imposed.

10. This appeal is allowed in part in the aforesaid terms.

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

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

**NEW DELHI**  
**OCTOBER 6, 2026**

ITEM NO.28

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

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (CRL.) NO.15191/2026  
[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 29-05-2026 IN CRLA NO. 902/1988 PASSED BY THE HIGH COURT OF JUDICATURE AT ALLAHABAD]

NAZARUL

PETITIONER(S)

VERSUS

THE STATE OF U.P.

RESPONDENT(S)

Date : 06-10-2026 This petition was called on for hearing today.

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

For Petitioner(s) : Mr. Rauf Rahim, Sr. Adv.  
Mr. Ali Asghar Rahim, Adv.  
Mr. Mohsin Rahim, Adv.  
Mr. Praveen Kumar Singh, Adv.  
Mr. Shekhar Kumar, AOR

For Respondent(s) : Mr. Abhishek Saket, Adv.  
Mr. Sudeep Kumar- 2779, AOR  
Ms. Manisha, Adv.  
Ms. Rupali, Adv.

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

Leave granted.

Appeal is allowed in part in terms of the 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)