



ITEM NO.2 COURT NO.10 SECTION II-B

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(s).
17333/2026

[Arising out of impugned final judgment and order
dated 26-08-2019 in CRLA No.168/1999 passed by the
High Court of Orissa at Cuttack]

SUDAM DASH Petitioner(s)

VERSUS

STATE OF ODISHA & ANR. Respondent(s)

IA No. 273995/2026 - ADDITION / DELETION /
MODIFICATION PARTIES

IA No. 154977/2026 - CONDONATION OF DELAY IN
FILING

IA No. 154978/2026 - CONDONATION OF DELAY IN
REFILING / CURING THE DEFECTS

IA No. 273983/2026 - SUSPENSION OF SENTENCE

Date : 15-10-2026 This matter was called on for
hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI

For Petitioner(s) : Mr. S Debabrata Reddy, Adv.
Mr. Ramendra Mohan Patnaik- 2136, AOR

For Respondent(s) : Mr. Naveen Kumar, AOR
Mr. Sudhanshu Pathak, Adv.
Ms. Isha Baloni, Adv.
Mr. Rishabh Chaudhary, Adv.
Ms. Pragya Prachi Pandey, Adv.
Mr. Prabhat Sejwar, Adv.

Ms. Happy Baruah, Adv.
Mr. Utkarsh Chandra, Adv.
Ms. Shrijeta Pratik, Adv.
Ms. Shailja Singh, Adv.
Ms. Nidhi Singh, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. Heard.
2. Delay in filing and refiling is condoned.
3. Leave granted.
4. Application for deletion of respondent No.2 from the array of the parties is allowed at the risk of the appellant.
5. Amended cause-title shall be filed within a period of four weeks from today.

Order on IA No.273983/2026:

6. This application has been filed for suspension of sentence passed in S.T. Case No.54/122 of 1998 and confirmed in Criminal Appeal No.168/1999, whereunder the applicant - appellant has been convicted for the offences punishable under Sections 302/34 of the Indian Penal Code, 1860 and sentenced to undergo rigorous imprisonment for

life.

7. The case of the prosecution is that on 06.01.1997 at about 06:00 P.M. at Chandabali Bazar, District – Bhadrak, Orissa, when the electricity failed, four persons armed with swords and pistol attacked deceased – Prafulla Nayak near the tea-cum-sweet stall of Bhikari Sahu and apprehending danger, the deceased ran into the cabin of a shoe shop across the road and the attackers chased him and entered the cabin and inflicted repeated swords blows upon him. It is the further case of the prosecution that when PW-4 (cousin of the deceased) protested, one of the assailants showed a revolver and, thereafter, they left the scene of crime after assaulting the deceased. Police were said to have taken the injured to the hospital and he was declared brought dead.

8. According to the prosecution's story, the assailants, as stated by PW-6 and PW-7, were the appellant, Laxman @ Dushasan Naik and two others.

9. The appellant having been incarcerated for more than twelve years on being imposed the sentence of life

imprisonment is seeking for suspension of the same and has prayed for grant of bail.

10. The credibility of the deposition of PW-6 and PW-7 ought to be evaluated in the teeth of the contentions raised in the present appeal with regard to there being several contradictions including the contention of PW-4 having failed to identify the accused, namely, the appellant herein in the Test Identification Parade as well as in the dock during the trial. The prosecution having relied upon the evidence tendered by PW-4, PW-6 and PW-7 will have to be examined or considered in the background of the *post mortem* report of the deceased, the injuries sustained as well as the evidence of the doctor, i.e., PW-9, who conducted the *post mortem*.

11. At this stage, the appreciation of the evidence undertaken may prejudice either of the parties. Hence, we desist from undertaking such an exercise. Suffice it to state that, *prima facie*, the contradictions act as a mirror to the contentions raised by the learned counsel appearing for the appellant. In this background, we are of the considered

view that sentence imposed on the appellant deserves to be suspended. Accordingly, it is suspended and appellant is ordered to be released on bail on such terms and conditions as the jurisdictional Sessions Court may deem fit to impose. Accordingly, the application stands allowed.

12. The Registry to secure the lower-courts' records and on receipt of the same, the soft copies shall be furnished to the respective learned counsels.

(NEHA GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)