Redacted by NyayVidhan (the order refers to the complainant as the prosecutrix): the appellant's name is withheld (shown as initials on nyayvidhan.in). Text otherwise as issued by the Court.

ITEM NO.51 COURT NO.4 SECTION II-A

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

Criminal Appeal No(s). 4082/2026

Appellant(s)

VERSUS

THE STATE OF GOA Respondent(s)

IA No. 254580/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 260928/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 254583/2026 - PERMISSION TO FILE LENGTHY LIST OF DATES
IA No. 254578/2026 - STAY APPLICATION
IA No. 254598/2026 - SUSPENSION OF SENTENCE

WITH
SLP(Crl) No. 15832/2026 (II-A)
IA No. 255031/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 06-11-2026 These matters were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Appellant(s) **Mr. Kapil Sibal, Sr. Adv.**
Mr. Siddharth Aggarwal, Sr. Adv.
Mr. Ankur Chawla, Adv.
Mr. Adit S. Pujari, Adv.
Mr. Aamir Khan, Adv.
Mr. Shivam Tandon, Adv.
Mr. Atif Akhtar Siddiqui, Adv.
Ms. Janhavi Negi, Adv.
Mr. Nikhil Pahwa, Adv.
Mr. Ritwiz Rishabh, Adv.
Mr. Subash Jadhav, Adv.
Mrs. Ishanee Kapoor, Adv.
Mr. Manvendra Singh Shekhawat, Adv.
Mr. Siddharth Kaushal, Adv.
Mr. Vibhav Rawat, Adv.
Mr. Harshwardhan Pushkin Sharma, Adv.
Mr. Aditya Samaddar- 3123, AOR

Mr. Tushar Mehta, Solicitor General
Mr. Devidas Pangam, Advocate General
Mr. Shailendra Bhobe, Adv.

Signature Not Verified
Digitally signed by ASHA SUNDRIYAL
Date: 2026.11.06 17:04:26 IST
Reason:

Mr. Nikhil Vaze, Adv.
Mr. Abhay Anil Anturkar, Adv.
Mr. Shubham Priolkar, Adv.
Mr. Eeshan Jacques, Adv.
Mr. Dhruv Tank, Adv.
Mr. Sarthak Mehrotra, Adv.
Ms. Surbhi Kapoor, AOR
Mr. Uday Gautam, Adv.
Ms. Aradhya Srivastava, Adv.
Mr. Nakul Patwardhan, Adv.
Mr. Ajay Borkar, Adv.
Ms. Cyndiana Silva, Adv.

For Respondent(s) Mr. Tushar Mehta, Solicitor General
Mr. S.V. Raju, ASG
Mr. Devidas Pangam, Advocate General
Mr. Shailendra Bhobe, Adv.
Mr. Nikhil Vaze, Adv.
Mr. Abhay Anil Anturkar, Adv.
Mr. Shubham Priolkar, Adv.
Mr. Eeshan Jacques, Adv.
Mr. Sarthak Mehrotra, Adv.
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Mr. Dhruv Tank, Adv.
Mr. Uday Gautam, Adv.
Ms. Aradhya Srivastava, Adv.
Mr. Nakul Patwardhan, Adv.
Ms. Cyndiana Silva, Adv.
Mr. Ajay Borkar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

SLP(Crl) No. 15832/2026

Leave granted.

IA No. 254598/2026 in Criminal Appeal No(s). 4082/2026 - SUSPENSION OF SENTENCE

1. **We have heard the learned Senior Counsel appearing for the applicant as well as the learned Solicitor General, learned Additional Solicitor General and the learned Advocate General appearing for the respondent – State.**
2. **Learned Senior Counsel appearing for the applicant submitted that it is a case where the High Court has reversed the acquittal rendered by the Trial Court. The Trial Court has**

considered the evidence *in extenso* and disbelieved the case of the prosecution, particularly, that of the prosecutrix.

3. **It is further submitted that the evidence with respect to CCTV footage and the fact that the concerned lift in which the occurrence is stated to have happened opens automatically, whenever it stops, have not been duly taken into consideration. Even according to the prosecution, the occurrence is stated to have happened within a short span of time. The evidence of PW-4 disputes the case of the prosecution.**

4. **It is also submitted that the applicant was in custody pending trial as well, and has been under incarceration for a total period of nine months. He is not a flight risk. Considering the above, a fervent plea has been made to suspend the sentence of the applicant.**

5. **Learned Solicitor General and the learned Additional Solicitor General appearing for the respondent – State, while opposing the application for suspension of sentence, submitted that the High Court has considered the evidence *in extenso.* A Special Leave Petition, being SLP (Crl.) No. 15832/2026, has been filed by the respondent – State seeking enhancement of the sentence imposed on the applicant. The High Court has rightly observed that the Trial Court has put the prosecutrix on trial, as against the applicant.**

6. **It is further submitted that the apology emails, coupled with the text messages sent by the applicant, if read along with the ocular version of the prosecution witnesses, would clearly**

show that the occurrence has happened, as projected by the prosecution. Inasmuch as the High Court has considered the relevant material, it is submitted there is no need for suspension of the applicant's sentence at this stage.

7. **Having heard the parties, we are, at the moment, concerned with the suspension of sentence of the applicant. Though, it is contended on behalf of the applicant that the Trial Court has considered the material available on record while rendering an acquittal, on a *prima facie* view, particularly, with respect to the evidence adduced by the prosecution witnesses, read with the material produced on record with specific reference to the apology emails and text message(s), we do not find that it is a fit case for grant of suspension of sentence.**
8. **The fact remains that the prosecutrix was working under the applicant. The father of the prosecutrix and the applicant were friends. Similarly, the prosecutrix and the daughter of the applicant were also friends.**
9. **From the above, we cannot say that there was a motive on the part of the prosecutrix to implicate the applicant.**
10. **In such view of the matter, on a *prima facie* view, we are not inclined to suspend the sentence of the applicant.**
11. **Accordingly, the application stands dismissed.**
12. **List the appeals for hearing in their due course**

(ASHA SUNDRIYAL)
DEPUTY REGISTRAR

(POONAM VAID)
ASSISTANT REGISTRAR