

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

**CRIMINAL APPEAL NO(S). _____ OF 2026
(Arising out of SLP (CrI.) No. 4200 of 2026)**

LALITA RANI MONDAL SAHA

...APPELLANT

VERSUS

STATE OF WEST BENGAL & ORS.

...RESPONDENT

ORDER

1. Leave granted.
2. The present appeal arises from the judgment and order dated 22.12.2025 passed by the High Court at Calcutta in CRAN No. 1 of 2025 in CRA(DB) No. 204 of 2025, whereby the High Court suspended the sentence of the private respondents, directed their release on bail and also stayed the operation of their conviction during the pendency of the criminal appeal.
3. The facts giving rise to the present appeal are as follows:
 - 3.1. The appellant is the wife of the deceased, Bhabatosh Saha alias Babla, and the informant in the criminal case. According to the prosecution, on 25.03.2016 at about 4.30 p.m., certain accused persons came to the house of the appellant and called the deceased and Purna Chandra Saha in connection with payment of money under an earlier agreement for sale. They were thereafter taken near

the house of one Amar Das, where an altercation took place.

- 3.2. The prosecution alleged that the accused persons formed an unlawful assembly and assaulted the deceased with sharp-edged weapons. Purna Chandra Saha escaped from the place and informed the appellant. When the appellant reached the place of occurrence, she allegedly saw the accused persons assaulting her husband. The deceased was thereafter taken to Chanchal Sadar Hospital, where he was declared brought dead.
- 3.3. On the basis of the written complaint submitted by the appellant, Harishchandrapur Police Station Case No. 167 of 2016 was registered on 26.03.2016 for offences punishable under Sections 143, 302, 34 and 506 of the Indian Penal Code, 1860 (hereinafter referred to as "IPC"). Upon completion of the investigation, Charge-sheet No. 287 of 2016 dated 19.06.2016 was submitted against the accused persons.
- 3.4. The case was committed to the Court of Session and was tried as Sessions Trial No. 10(01) of 2018, corresponding to Sessions Case No. 125 of 2017, before the Additional Sessions Judge, Chanchal, Malda. The prosecution examined eighteen witnesses in support of its case. The defence pleaded innocence and false implication.
- 3.5. By judgment dated 21.04.2025 and order on sentence dated 22.04.2025, the Trial Court convicted the private respondents for the offences punishable under Section 143 and Section 302 read with Section 34 of the IPC. They were

sentenced to rigorous imprisonment for six months for the offence under Section 143 of the IPC and to rigorous imprisonment for life for the offence under Section 302 read with Section 34 of the IPC, along with fine. The sentences were directed to run concurrently. They were acquitted of the charge under Section 506 read with Section 34 of the IPC.

- 3.6. Aggrieved by their conviction and sentence, the private respondents preferred CRA(DB) No. 204 of 2025 before the High Court. They also filed CRAN No. 1 of 2025 under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as “BNSS”), which corresponds to Section 389(1) of the Code of Criminal Procedure, 1973 (hereinafter referred to as “CrPC”), seeking suspension of sentence and release on bail during the pendency of the appeal.
- 3.7. By the impugned order dated 22.12.2025, the High Court observed that there was some merit in the submission concerning the alleged improvements in the prosecution case and that an arguable case had been made out by the appellants before it. The High Court also took note of the fact that they had remained on bail during the trial for about nine years without any allegation of misuse of liberty. It accordingly directed their release on bail subject to conditions and stayed the operation of the order of conviction and sentence during the pendency of the appeal or until further orders.

4. The appellant thereafter approached this Court by filing the Special Leave Petition from which the present appeal arises. By order dated 25.02.2026, this Court granted permission to file the Special Leave Petition and issued notice limited to the legality of paragraph 7 of the impugned order insofar as it stayed the operation of the conviction during the pendency of the appeal.
5. We have heard the learned counsels for the parties. The limited question that arises for consideration is whether the High Court was justified in staying the operation of the conviction of the private respondents during the pendency of the criminal appeal. This requires consideration of the distinction between suspension of sentence and suspension of conviction, and whether the impugned order discloses any exceptional circumstance warranting suspension of the conviction.
6. The power exercised by the High Court is traceable to Section 430(1) of the BNSS, which corresponds to Section 389(1) of the CrPC. The provision empowers the Appellate Court, for reasons to be recorded in writing, to order that “the execution of the sentence or order appealed against be suspended” and, where the convicted person is in confinement, to direct his release on bail. The provision thus employs the expressions “sentence” and “order appealed against” separately. In ***Rama Narang v. Ramesh Narang, (1995) 2 SCC 513***, this Court held that the expression “order appealed against” is wide enough to include an order of conviction and that the Appellate Court possesses the power, in an appropriate case, to suspend the conviction itself.

7. The existence of the power to suspend a conviction does not, however, obliterate the distinction between suspension of sentence and suspension of conviction. Suspension of the execution of a sentence places the punishment imposed upon the convicted person in abeyance during the pendency of the appeal. It does not affect the judicial finding of guilt, which continues to operate. A stay of conviction, on the other hand, renders the conviction non-operative from the date of the stay and may prevent the legal disabilities or consequences which would otherwise flow from it from operating during the currency of the stay. It does not erase the conviction or render it non-existent. Suspension of conviction is, therefore, a distinct and substantive relief which requires separate consideration and reasons. It cannot follow as an automatic or incidental consequence of the suspension of sentence.
8. In ***Ravikant S. Patil v. Sarvabhuma S. Bagali, (2007) 1 SCC 673***, this Court held that an order staying a conviction is not the rule but an exception which may be resorted to only in rare cases depending upon their special facts. This principle was reiterated in ***Lok Prahari v. Election Commission of India, (2018) 18 SCC 114***, wherein this Court held that the person seeking suspension of conviction must specifically draw the attention of the appellate court to the consequences which would follow if the conviction were not stayed. The appellate court must thereafter consider those consequences and record reasons demonstrating why the case warrants the exercise of such exceptional power.

9. In the present case, the application filed by the private respondents before the High Court was expressly an application for suspension of sentence and release on bail. The prayer made therein was also confined to suspension of sentence and their release on bail during the pendency of the criminal appeal. There was no specific prayer seeking suspension of the conviction. Nor was any particular disqualification, irreversible consequence or exceptional prejudice arising from the continued operation of the conviction pleaded or brought to the notice of the High Court.
10. The gravity of the offence and the nature of the findings recorded by the Trial Court could not have been overlooked while granting a relief which went beyond suspension of sentence. The private respondents stand convicted for the offence of murder under Section 302 read with Section 34 of the IPC and have been sentenced to rigorous imprisonment for life. The conviction was recorded after a full trial in which the prosecution examined eighteen witnesses and relied upon ocular, medical and documentary evidence. The Trial Court took note of the multiple incised and penetrating injuries sustained by the deceased on vital parts of his body and found that the injuries were sufficient in the ordinary course of nature to cause death.
11. At this stage, it is neither necessary nor appropriate for this Court to undertake a reappraisal of the evidence or to express any opinion on the correctness of the conviction. The criminal appeal remains pending before the High Court. The conviction recorded by the Trial Court continues to operate

unless it is set aside in appeal or its operation is stayed by a reasoned order passed on legally sustainable grounds. The seriousness of the offence and the findings recorded by the Trial Court reinforce the need for strict adherence to the requirement that suspension of conviction must be supported by exceptional circumstances and specific reasons.

12. The High Court considered the alleged improvements in the prosecution evidence, the existence of an arguable case and the fact that the private respondents had remained on bail during the trial without misuse of liberty. These considerations may be relevant while deciding whether the sentence should be suspended and the private respondents should be released on bail. They do not, either individually or collectively, constitute exceptional circumstances warranting suspension of the conviction. The existence of an arguable case in appeal cannot, by itself, render the conviction inoperative. If that were sufficient, the exceptional relief of suspension of conviction would follow in every appeal which raises a question requiring consideration.
13. The impugned order does not record any separate reason for suspending the conviction. The direction contained in paragraph 7 of the impugned order staying both the conviction and the sentence was, therefore, made without maintaining the essential distinction between the two forms of relief. In the absence of a specific prayer, any identified consequence arising from the continued operation of the conviction and separate reasons warranting such exceptional relief, the stay of conviction cannot be sustained.

14. We are, therefore, unable to sustain the impugned order insofar as it stays the operation of the conviction. Our interference is confined to that extent. We express no opinion on the merits of the criminal appeal pending before the High Court. The order suspending the sentence and releasing the private respondents on bail, subject to the conditions imposed by the High Court, does not call for interference.
15. Accordingly, the appeal is partly allowed. The impugned order dated 22.12.2025, insofar as it stays the operation of the conviction of the private respondents, is set aside. The order suspending their sentence and directing their release on bail, subject to the conditions imposed by the High Court, shall remain undisturbed.
16. It shall be open to the appellant to file an appropriate application before the High Court seeking early hearing of CRA(DB) No. 204 of 2025. Upon such an application being filed, the same shall be considered appropriately by the High Court.
17. Pending application(s), if any, shall stand disposed of.

.....J.
[VIKRAM NATH]

.....J.
[SANDEEP MEHTA]

**NEW DELHI;
JULY 22, 2026**