



ITEM NO.14

COURT NO.7

SECTION II-B

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

R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No.7128/2026

[Arising out of impugned final judgment and order dated 11-01-2016 in JCRLA No. 46/2015 passed by the High Court of Orissa at Cuttack]

ARJUN JANI @ TUNTUN

Petitioner(s)

VERSUS

STATE OF ORISSA

Respondent(s)

Date : 07-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) :

Ms. Pragati Neekhara, AOR

Mr. Aryan Vaibhav Srivastava, Adv.

Mr. Kartikay Aggarwal, Adv.

For Respondent(s) :

Ms. Laxmi, Adv.

Mr. K.R. Satapathy, Adv.

Mr. Hitendra Nath Rath, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. This petition arises from a very disturbing order passed by a Division Bench of the High Court of Orissa dated 11-1-2016 in JCRLA No.46 of 2015 by which the High Court declined to condone the delay of 3157 days in preferring Criminal Appeal against the Judgment and Order of conviction passed by the Trial Court and thereby dismissed the Criminal Appeal on the ground of being time-barred.

2. We take notice of the fact that the petitioner was put to trial in the Court of the Additional Sessions Judge, Nabarangpur in CT No.20 of 2004 for the offence punishable under Sections 302 and 201 of the Indian Penal Code, 1860 (for short "IPC") respectively.

3. At the end of the trial, the petitioner was held guilty of the alleged crime and was sentenced to undergo life imprisonment.

4. The Judgment and Order of conviction and sentence passed by the Trial court is dated 25th August 2006.

5. The petitioner went before the High Court with a Criminal Appeal, however, there was a delay of nine years.

6. The High Court, by a very short order declined to condone the delay and thereby dismissed the appeal:-

"This appeal is beyond time by 3157 days. From the jail memo of appeal, we do not find any viable reason to condone the delay near about nine years. Delay condonation application is dismissed and appeal too stands dismissed."

7. The High Court, while declining to condone the delay, ought to have considered the fact that the petitioner was already undergoing sentence past 12 years. The High Court ought to have also considered that it was an appeal through jail. This itself was sufficient for the High Court to take a practical view or rather a sympathetic view of the matter and at least ought to have condoned the delay so as to give one opportunity to the petitioner to argue his criminal appeal on merits. As on date, the petitioner has undergone almost 22 years of sentence.

8. We are informed that the petitioner has not been released even once on parole or furlough.

9. In such circumstances, referred to above, condoning the delay and asking the High Court now to hear the Criminal Appeal on merits will be a futile exercise

10. We heard Ms. Pragati Nikhra, the learned counsel for the petitioner and Ms. Laxmi, the learned counsel for the respondent.

11. The learned counsel appearing for the petitioner has produced the Conduct Certificate issued by the Senior Superintendent, Circle

Jail, Koraput dated 07.05.2026. The Conduct Certificate reads thus:

"Certified that, the life convict No.6297/A ARJUN JANI@TUNTUN, aged about 45 years, S/O- Late Mukunda Jani of Vill: Hirlidangri, PS: Nabarangpur, Dist: Nabarangpur, State: Odisha was detained in Jail custody since 20.01.2004 at Sub Jail, Nabarangpur being convicted in CT-20/2004 U/S 302 of IPC by the Hon'ble Court of Additional Sessions Judge, Nabarangpur and sentenced to undergo R.I for life on 25.08.2006 and he was received on transfer from Sub Jail, Nabarangpur to Circle Jail, Koraput on 20.09.2006.

During that, the period of his confinement in this Circle Jail his conduct and behaviour is satisfactory. His behaviour and attitude towards other Co-prisoner as well as staffs are also being quite satisfactory. The above named life convict has never any punishment in Jail Offence from the date of admission in to this Prison. Nothing adverse report / remark received during his period of confinement from the date of admission in to this Prison till date and he is working in this Jail in Laundry."

12. We are convinced that we should release the petitioner on bail in the peculiar facts and circumstances of this case.

13. Thus, in exercise of our jurisdiction under Article 142 of the Constitution as an exceptional case, we order that the petitioner be released on bail on he executing a personal bond of Rs.10,000/- to the satisfaction of the Jail Superintendent.

14. We direct the District Legal Services Authority, Koraput, State of Odisha to help the petitioner in preparing an appropriate representation, seeking remission of sentence in accordance with the remission policy prevailing at the time of the commission of the offence or any Policy which is beneficial to the petitioner insofar as the remission of sentence is concerned.

15. We have passed this order keeping in mind the fact that the petitioner is undergoing sentence past 22 years and has not been released even once during this period of 22 years. His jail conduct has also been found to be satisfactory.

16. Registry shall inform about this Order to the Senior Superintendent, Circle Jail, Koraput at the earliest as well as the District Legal Services Authority, Koraput.

17. Post this matter for reporting compliance on 28-5-2026.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)