



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2026
(@ SPECIAL LEAVE PETITION (CRIMINAL) NO.13848/2026)

MILU SINKU

APPELLANT(S)

VERSUS

STATE OF ODISHA

RESPONDENT(S)

ORDER

1. Leave granted.
2. We have heard Mr. V. N. Raghupathy, learned counsel for the appellant and Ms. Divya Roy, learned counsel for the respondent-State of Odisha.
3. On 27.07.2026, we had passed the following order:

"2. The High Court declined to entertain the Criminal Appeal of the petitioner assailing his conviction under Section 302 of the Indian Penal Code, 1860 (for short, 'IPC') on the ground of inordinate delay. Petitioner is in custody for more than 12 years now. For delay of 2538 days in filing the Criminal Appeal, the High Court dismissed the same.

3. Prima facie, we are of the view that when the convict is in jail and this being a jail appeal, the same ought not to have been dismissed on the ground of delay and should have been heard on merits. In such circumstances ordinarily we would have remanded

the matter to the High Court for hearing on merits. However, having regard to the fact that petitioner has already undergone incarceration of more than 12 years, we do not propose to remand the matter back to the High Court.

4. The delay in filing the Special Leave Petition is condoned.

5. Issue notice, both on the Special Leave Petition as well as on the prayer for bail, returnable on 03.09.2026.

6. Permission is accorded to learned counsel for the petitioner to serve notice upon the Standing counsel for the respondent-State of Odisha."

4. We find that appellant's appeal before the High Court of Orissa at Cuttack (briefly 'the High Court' hereinafter), assailing his conviction under Section 302 of the Indian Penal Code, 1860 (for short, 'IPC'), was not adjudicated on merit. The same was dismissed on the ground of belated filing of the appeal.

5. We had already observed in an earlier proceeding that when it is a statutory appeal by a convict serving jail sentence, the jail appeal should be heard by the High Court on merit and should not be dismissed on the ground of delay. Such an approach goes against the principle of access to justice, rather the very concept of justice itself.

6. Considering the above, we set aside the impugned order dated 05.04.2023 passed by the High Court and condone the delay in filing the Criminal Appeal before the

High Court.

7. Having regard to the long incarceration of the appellant which is more than 12 years now, we grant bail to the appellant on usual terms and conditions.

8. The matter is remanded back to the High Court for adjudication of the Criminal Appeal preferred by the appellant on its own merit.

9. We request the High Court to hear the same expeditiously. We make it clear that appellant shall co-operate with the Criminal Appeal, now to be heard by the High Court on its own merit.

10. The Criminal Appeal is, accordingly, disposed of.

11. Pending application(s), if any, shall stand disposed of.

.....J.

[UJJAL BHUYAN]

.....J.

[ATUL S. CHANDURKAR]

NEW DELHI;
23rd SEPTEMBER, 2026.
AK

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(s). 13848/2026

[Arising out of impugned final judgment and order dated 05-04-2023 in JCRLA No. 22/2023 passed by the High Court of Orissa at Cuttack]

MILU SINKU

Petitioner(s)

VERSUS

STATE OF ODISHA

Respondent(s)

(IA No. 205952/2026 - EXEMPTION FROM FILING O.T.)

Date : 23-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s): Mr. V. N. Raghupathy, AOR
Ms. Mythili S, Adv.
Mr. Venkata Raghu Mannepalli, Adv.
Mr. Ramprasad H. Alva B, Adv.
Mr. Aman Gautam, Adv.
Mr. Md. Apzal Ansari, Adv.

For Respondent(s): Ms. Divya Roy, AOR
Ms. Deveshi Mishra, Adv.
Ms. Sneha Masani, Adv.
Mr. Ruturaj Satpathy, Adv.

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

1. Leave granted.
2. The Criminal Appeal is disposed of in terms of the signed order placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(ABHINAV KUMAR)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)