English Translation: Dubai Court of Appeal, Appeal No. 3696 of 2026

Translated from the Arabic original (34 pages). Pages 1 to 4 are the unsigned draft judgment and pages 5 to 9 the signed judgment; the wording is identical, so it is translated once. Square brackets are translator's notes. Identity numbers of the victims and three of the accused are cut to their last four digits; the full numbers are in the original.

1. Judgment of the Court of Appeal (pages 1 to 9)

In the name of His Highness Sheikh Mohammed bin Rashid Al Maktoum, Ruler of Dubai

Court of Appeal

At the public session held at the seat of the Court of Appeal in Dubai on Tuesday 28/04/2026.

Presided over by Judge Rashid Mohammed Al Sumairi, Judge of the Court, with Mr Fahmi Munir Fahmi, Judge of the Court, and Mr Ali Saif Abdullah Saif Al Shamsi, Judge of the Court; Mr Ahmed Abdullah Al Attar, First Chief Prosecutor; and Ms Aisha Mohammed Khamis Ali, Clerk.

The following judgment was issued in Case No. 3696 of 2026, Appeal. Circuit: Sixth Misdemeanour Appeal Circuit, Tuesday.

Appeal No. 3696 of 2026, and Appeal No. 3719 of 2026, and Appeal No. 3760 of 2026, and Appeal No. 3897 of 2026.

Appellant: Sumit Bainsla Devraj. Respondent: the Public Prosecution. Judgment under appeal: issued in Penal Case No. 33555/2025.

Grounds of the judgment

After hearing the oral pleadings, examining the papers and deliberating.

Whereas the Public Prosecution charged the accused:

1. Debashish Chowdhury Sribash Chowdhury.
2. Sumit Bainsla Devraj.
3. Mohammad Reza Alam Mohammad Mahbub Alam.
4. Arav Khan Jakir Khan.

In that on 13/10/2025, within the jurisdiction of Naif Police Station, they obtained for themselves movable property, namely a sum of money amounting to AED 1,097,000, by agreeing among themselves that one of them would contact a person to approach the establishment Sarco Jewellery LLC to sell 4 kilograms of gold, which was such as to deceive the complainant party and induce them to hand over the money, as set out in the papers.

The Prosecution sought their punishment under Articles 83/2, 126/2 and 451/1 of the Crimes and Penalties Law, Federal Decree-Law No. 31 of 2021, as amended by Federal Law No. 36 of 2022.

At the session of 16/03/2026 the Misdemeanours Court ruled, in the presence of the accused, to punish them with imprisonment for three months for what was attributed to them, with execution of the penalty suspended for three years from the date this judgment becomes final, and to deport them from the State.

On 16/03/2026 counsel for the convicted Sumit Bainsla Devraj challenged this judgment by Appeal No. 3696/2026.

On 16/03/2026 counsel for the convicted Arav Khan Jakir Khan challenged this judgment by Appeal No. 3719/2026.

On 17/03/2026 the convicted Mohammad Reza Alam Mohammad Mahbub Alam challenged this judgment by Appeal No. 3760/2026.

On 23/03/2026 the convicted Debashish Chowdhury Sribash Chowdhury challenged this judgment by Appeal No. 3897/2026.

At the session fixed for hearing the appeals the accused appeared, except the accused Debashish Chowdhury Sribash Chowdhury, and the accused who were present denied the charge.

Counsel for the accused Sumit Bainsla Devraj and Arav Khan Jakir Khan filed a memorandum. In it he argued that the judgment erred in applying the law, was deficient in its reasoning and breached the right of defence, because it was built on insufficient evidence and the link between the accused and the incident was not proved, relying on the victim's statements which indicate that persons other than the two of them carried out the act. He also relied on the lapse of the criminal case by reconciliation and by the notarised waiver issued by the two victims after they received the full amount in dispute, and the resulting extinction of the case. He argued the absence of criminal intent on the part of his clients, and the deficiency of the Prosecution's investigations for not being completed with essential documents, correspondence and transfers. He criticised the judgment for not setting out the evidence adequately and not grasping the circumstances

of the case. He asked for the proportional fine to be cancelled because the waiver had been issued. He also sought leniency for the accused, suspension of the penalty and cancellation of the deportation. At the end of his memorandum he asked the court to accept the appeal in form, and on the merits to set aside the judgment under appeal and rule that the criminal case has lapsed by reconciliation, or acquit the accused for having no link to the crime; to accept the waiver and record the settlement in the minutes of the session with the resulting lapse of the criminal case; to cancel the deportation; and in the alternative to use the utmost leniency and confine itself to suspending the prison sentence only.

Whereas the Public Prosecution asked that the appeals be rejected and the judgment under appeal upheld.

Whereas the court decided to join the appeals and reserve them for judgment at today's session.

Whereas the appeals were filed in time and met all the conditions prescribed by law, they are accepted in form.

Whereas the facts of the case, as settled in the certainty of the court and to which its conscience is satisfied, are that the accused Debashish Chowdhury Sribash Chowdhury, Sumit Bainsla Devraj, Mohammad Reza Alam Mohammad Mahbub Alam and Arav Khan Jakir Khan lured those in charge of the establishment Sarco Jewellery Trading, represented by its employees Mohammed Ijaz Purathakandam Mohiuddin Mohiuddin and Mohammed Afrad Otto Purakkal Abdullah Shadashi. The accused Arav Khan Jakir Khan, through an intermediary, put forward the idea of selling a quantity of gold weighing four kilograms for a price of AED 1,097,000, and fixed for them a place to complete the deal inside a commercial office in the Sheikha Maryam Building in the Baniyas Square area, within Naif. He reinforced this with outward appearances suggesting a serious transaction, consisting of fitting out premises made to look like a place of commercial activity and receiving those in charge of the establishment inside it. The accused Debashish Chowdhury Sribash Chowdhury came forward and introduced himself as manager of the office. The accused Mohammad Reza Alam Mohammad Mahbub Alam took charge of negotiating the deal and concluding the agreement, while the accused Sumit Bainsla Devraj received the full sum of money. This led those in charge of the establishment, on 11/10/2025, to hand over the money inside the said office on the basis that they would receive the gold. As soon as the money was handed over, the accused Sumit Bainsla Devraj and Mohammad Reza Alam Mohammad Mahbub Alam left the place on the pretext of bringing the gold. The accused Debashish Chowdhury Sribash Chowdhury then followed them, leaving the office and vacating it, without carrying out what had been agreed or delivering the gold. Those in charge of the establishment promptly reported the incident. After committing it, the accused moved to

the residence of the accused Arav Khan Jakir Khan in the Al Mizhar area, where they divided the seized money among themselves and continued to keep it without returning it. Subsequent procedures resulted in the arrest of the accused as set out in the papers, and the accused Debashish Chowdhury Sribash Chowdhury was arrested in the area where he lives with AED 240,000 of the proceeds of the incident in his possession.

Whereas the incident as so described has been proved true and correctly attributed to the accused Debashish Chowdhury Sribash Chowdhury, Sumit Bainsla Devraj, Mohammad Reza Alam Mohammad Mahbub Alam and Arav Khan Jakir Khan, from the statements of the complainant Mohammed Ijaz Purathakandam Mohiuddin, and of the witnesses Mohammed Rafi Tharayil Abdullah, Deepak Ishwar Sujanani Ishwar Shamdas Sujanani and Sirajuddin Abdulrahman Koliyad in the Public Prosecution's investigations, and the statements of the witness Mohammed Afrad Otto Purakkal Abdullah Shadashi in the police evidence-gathering report, all of which support one another in describing the luring, the handing over of the money and the non-receipt of the gold; from what is established in the identification parade reports, in which the witnesses recognised the first and second accused; from the report of the General Department of Forensic Evidence and Criminology; and from the confession of the first accused, Debashish Chowdhury Sribash Chowdhury, and the second, Sumit Bainsla Devraj, in the Public Prosecution's investigations, which contained a detailed account of how the incident was committed and how the roles were distributed. This is sound and mutually supporting evidence with a firm basis in the papers, capable of leading to what the judgment built on it in attributing the act to each accused according to his role. This court therefore refers to the reasons of the judgment under appeal and adopts them as reasons completing its own.

Whereas, as to the plea that the judgment erred in applying the law, was deficient in reasoning, breached the right of defence, rested on insufficient evidence, and that the accused had no link to the incident and no criminal intent: the judgment set out the facts of the case adequately and cited, as proof against the accused, sound and mutually supporting evidence with a firm basis in the papers. From it the judgment drew out that the accused agreed to seize the victims' money and prepared a plan for that purpose which they carried out among themselves by dividing the roles. The first accused prepared the scene of the incident, received the victims and presented himself as a manager. The second accused took charge of receiving the money and accompanying those carrying it. The third accused conducted the negotiation over the deal, took the money and left with it. The fourth accused undertook the role of luring, contact and coordination in carrying out the incident and collecting its proceeds. They also divided the seized money among themselves. These are connected acts which together show the participation of each of them in committing the incident, and they were attributed to each independently, which reveals that the elements of the crime are present in respect

of each of them. What the defence raises in this regard is therefore no more than a dispute on the merits about the assessment of evidence, which is the exclusive province of the trial court. The plea is contrary to what is established in the papers, has no sound basis and must be rejected.

Whereas, as to the plea that the Public Prosecution's investigations were deficient for being incomplete: the court is satisfied that the investigations contained sufficient elements to decide the case, and the court may rely on the evidence it is satisfied with, without being obliged to carry out an inquiry it does not consider necessary. This plea is therefore of no consequence in the case and must be rejected.

Whereas, as to the plea that the criminal case has lapsed by reconciliation and waiver: it is rejected. It is established that the Public Prosecution charged the accused with the crime of fraud punishable under Article 451/1 of the Crimes and Penalties Law. That is not among the crimes in which the legislator has permitted the criminal case to lapse by penal settlement under Article 349 of the Criminal Procedure Law, nor among the crimes for which the law provides, by a specific text, that the case lapses by waiver or settlement. The waiver submitted in the case therefore does not have the effect of extinguishing the criminal case, and the plea has no sound basis in law and must be rejected.

Whereas the court is not satisfied with the denial of the accused who were present, since it came as a bare statement stripped of any evidence the court could rely on, while the evidence in the case points the other way.

Whereas, as to the request to cancel the deportation: it is established in the papers that the accused are not citizens of the State and have been convicted of a crime marked by gravity and seriousness. The waiver issued by the two victims is no more than a circumstance whose effect the court weighs within its discretion, without of itself amounting to a justification for exempting them from deportation. The court sees nothing in the circumstances of the case to justify departing from this measure. The request to cancel the deportation is therefore unfounded and must be rejected.

Whereas, in view of the foregoing, the judgment under appeal correctly ended in convicting the accused, the appeals must be rejected and the judgment under appeal upheld.

Operative part of the judgment

The court ruled, in the presence of the accused Sumit Bainsla Devraj, Arav Khan Jakir Khan and Mohammad Reza Alam Mohammad Mahbub Alam, and in the absence of the accused Debashish Chowdhury Sribash Chowdhury: to accept the appeals in form, and on the merits to reject them and uphold the judgment under appeal.

The bench above is the one that pronounced the judgment. The bench that heard the pleadings, deliberated on the case and signed the draft was composed of: Mr Rashid Mohammed Al Sumairi, presiding, with Mr Fahmi Munir Fahmi and Mr Taqi Al Din Diab Abdul Jawad Atta as members.

Clerk: Aisha Mohammed Khamis Ali. Head of Circuit: Rashid Mohammed Al Sumairi.

This document is an official record issued by Dubai Courts.

2. Minutes of the hearing (page 10)

Minutes of session. Authorised to conduct the trial in the name of His Highness Sheikh Mohammed bin Rashid Al Maktoum, Ruler of Dubai.

Day and date: Tuesday 21/04/2026. Session serial: 1. Circuit: Sixth Misdemeanour Appeal Circuit, Tuesday. Hall: 0. Case: 3696/2026, Appeal.

Members: Mr Rashid Mohammed Al Sumairi, Judge of the Court of Appeal, presiding; Mr Fahmi Munir Fahmi, Judge of the Court of Appeal; Mr Taqi Al Din Diab Abdul Jawad Atta, Judge of the Court of Appeal. In the presence of Mr Shuaib Ali Hatem Ahli, First Chief Prosecutor, and Ms Aisha Mohammed Khamis Ali, Clerk.

Party	Capacity
Arav Khan Jakir Khan	Appellant
Mohammad Reza Alam Mohammad Mahbub Alam	Appellant
Debashish Chowdhury Sribash Chowdhury	Appellant
Sumit Bainsla Devraj	Appellant

On the roll being called: the accused attended, except the accused Debashish. They were asked, through the interpreter Mujeeb Akra, about what was attributed to them. They denied what was attributed to them. Advocate Saeed Al Hashmi attended with the accused Arav Khan and Sumit and filed an archived memorandum. The Prosecution asked that the appeals be dismissed and the judgment under appeal upheld.

The court decided to reserve the case for judgment at the session of 28/04/2026.

Clerk: Aisha Mohammed Khamis Ali. Head of Circuit: Rashid Mohammed Al Sumairi.

3. Defence memorandum (pages 11 to 21)

[Letterhead: Saeed Al Hashmi Advocates and Legal Consultants. Each page carries the firm's phone, email and website.]

In the name of God, the Most Gracious, the Most Merciful.

Before the honourable Dubai Criminal Court of Appeal. In Case No. 2025/3696+3719, penal appeal. *[The year should read 2026.]*

Submitted by the appellants: 1. Sumit Bainsla Devraj. 2. Arav Khan Jakir Khan. Represented by Advocate Saeed Al Hashmi.

Against: the Public Prosecution, the charging authority.

Subject: an explanatory defence memorandum, with a folder of documents attached, containing a request to cancel the deportation of the appellants on the ground that the case has lapsed by waiver and settlement with the complainant, the settlement having been reached with the complainant and the waiver being attached, and given that the appellants are residents of the State.

The judgment under appeal is the judgment of the Penal Court in Case No. 2025/33555, issued on 16/3/2026, which ruled: "The court ruled in their presence to punish each of the accused Debashish Chowdhury Sribash Chowdhury, Sumit Bainsla Devraj, Mohammad Reza Alam Mohammad Mahbub Alam and Arav Khan Jakir Khan with imprisonment for three months for what was attributed to them, with execution of the penalty suspended for three years from the date this judgment becomes final, and to deport them from the State."

As to form. The judgment under appeal was issued on 16/3/2026 and the appellants registered their appeal in Case No. 3719 + 3696, penal appeal, on 16/3/2026. This was within the prescribed time limits, so it should be accepted in form, and the prescribed appeal deposit was paid.

The facts. The facts are that on 20/10/2025 the complainant, named Mohammed Ijaz Purathakandam Mohiuddin Mohiuddin, informed the Public Prosecution:

Q: What is the content of your complaint?

A: I inform you that at about 15:30 on the afternoon of Saturday 11/10/2025 there came to the shop where I work (Sarco Jewellery LLC), located in the Gold Souk area near Gate No. 3, and I being the person responsible for the gold shop where I work, the accused Deepak Ishwar Sujanani, who told us that his boss at work wanted to sell gold weighing four kilos. We agreed to buy it for AED 1,097,000. I prepared the money, as the money in my possession in the accounts cash box belongs to our establishment. I then asked two of our employees, one named Mohammed Afrad Otto and another named Mohammed Rafi Tharayil Abdullah, both of whom work with me in the same shop, and told them to go with the said Deepak Ishwar to the place and bring the gold in exchange for the money, which I prepared and handed personally into the hand of the said Mohammed

Rafi. About 20 minutes later I received a call from the witness Mohammed Afrad saying that the accused Deepak had entered one of the gold shops, asked him to wait, and asked to be given the envelope containing the money so that he could bring the agreed gold. After 20 minutes had passed they entered the same commercial premises and asked about Deepak. One of them said to wait, that they would arrange the gold and hand it over to them. I asked them to wait about half an hour. As about an hour had passed since the money was handed over, the witness Mohammed Afrad called again and told me that the person in charge of the place had also gone out, that there was no one present at that time in the gold shop, and that he did not know his name. I then asked the employees to call the police, and I then went to the police station to report the incident and asked the witnesses to attend to give their statements.

Q: When and where was that?

A: At about 3 in the afternoon, in the Emirate of Dubai, Naif area, specifically the Gold Souk.

Q: What is your relationship with the said Deepak Ishwar?

A: A customer of the shop where I work (Sarco Jewellery LLC). He visits the shop as a client and I have known him for about four months.

The waiver was issued and the victim signed it, acknowledging receipt and the recovery of his goods and their value. The victim was contacted and confirmed that he had received the money. The waiver was sent to him and he confirmed that he has no objection to its being filed in the case file, and he acknowledged his reconciliation with the accused.

The referral order. The facts are that on a date prior to 13/10/2025, within the jurisdiction of Naif Police Station, they obtained for themselves movable property, namely a sum of AED 1,097,000, by agreeing among themselves that one of them would contact a person to approach the establishment (Sarco Jewellery LLC) to sell 4 kilos of gold, which was such as to deceive the complainant party and induce them to hand over the money, as established in the papers.

First: as to form. Since the accused and his lawyer attended the session and a memorandum containing a folder of documents with the waiver deed attached was archived, it is acceptable in form for having been filed in time.

As to the merits. The accused complains that the court should rule that the criminal case has lapsed by reconciliation, the waiver having been archived in the electronic system, as will be explained.

Defence and legal grounds

Praise be to God. We praise Him, seek His help and His forgiveness, and take refuge in God from the evils of our souls and our bad deeds. Whomever God guides none can lead astray, and whomever He leads astray none can guide. I bear witness that there is no god but God alone, without partner, and that Muhammad is His servant and Messenger, His chosen one and His friend, may God bless him and grant him peace as long as night follows day, and his family and righteous companions and those who follow them in goodness.

The divine message to God's prophet David, in the Almighty's words in His Book, was: "O David, We have made you a successor on the earth, so judge between people in truth and do not follow desire, for it will lead you astray from the path of God. Those who stray from the path of God will have a severe punishment for having forgotten the Day of Reckoning" (verse 26). *[Qur'an, Surah Sad 38:26; translator's rendering.]*

What is meant by the word truth is justice, and under this verse, which commands as an obligation, O David, do not follow desire in your rulings among people.

The several tiers of litigation were established to protect the rights of litigants and to preserve the principle of justice and equality, by which the judge on earth must be characterised before ruling against any person, giving him his right to defend himself and applying an important principle which is one of the pillars of accusation: the criminal intent of the accused in committing the crime. The absence of criminal intent destroys the evidence of guilt, and this the court of first instance did not examine.

On this basis, and briefly, we plead as follows.

1. We plead that it was an error to refer the accused Sumit to the court despite his statements not being taken and there being no evidence that he committed the crime.

It is established from the statements of the victim and the other accused that they alone are the ones involved in this crime and that our client has no connection with it. The technical evidence from the surveillance camera images also establishes that our client was not present there, which leaves no room for doubt that he is innocent of the charge.

Second: we plead that the criminal case has lapsed by waiver.

The complainant waived after being contacted to settle with him, and all his money was returned to him, plus the fees for issuing a notarised waiver before the notary public at Dubai Courts.

The waiver was issued and signed by the victim acknowledging receipt. The victim was contacted and confirmed that he received the amount claimed. The waiver was sent to

him and he confirmed that he has no objection to its being filed in the case file, and he acknowledged his reconciliation with the accused.

The criminal case therefore lapses by reconciliation as an effect of the waiver.

Legal grounds: causes for the lapse of the criminal case. Article 20 of the Criminal Procedure Law sets out the causes and events by which the criminal case lapses. The case is treated as ended and the Public Prosecution may not move it in any circumstances once a cause or event for which the law provides has occurred. The criminal case lapses by the following:

1. Death of the accused.
2. Issue of a final judgment in it.
3. Waiver of the case by the person entitled to do so. *[Underlined in the original.]*
4. General amnesty.
5. Repeal of the law punishing the act.
6. The passing of twenty years in felonies, other than hudud, qisas and diya crimes and felonies punishable by death or life imprisonment.
7. The passing of five years in misdemeanours and one year in contraventions, the periods being counted from the day the crime occurred.

Lapse of criminal cases. The criminal case lapses if the victim waives his complaint, and the waiver must come from all those who filed the complaint where there are several victims. Where there are several accused in the criminal case, a waiver of the complaint against one of them applies to the rest as well. If the victim dies after filing the complaint, the right to waive passes to his heirs. The criminal case also lapses by the death of the accused, the issue of a final judgment, waiver of the case by one legally entitled to do so, the issue of a general amnesty, or the repeal of the law punishing those acts. Criminal cases also lapse after twenty years in felonies punishable by death, after 10 years in all other felonies, three years in misdemeanours and one year in contraventions.

Whereas the complainant in the criminal case has waived his right in the case under a settlement attached to the waiver and an agreement between him and the accused, the criminal case against the accused has ended under Article 20 of the Criminal Procedure Law. *[Underlined in the original.]*

We remind the honourable court that criminal judgments are built on certainty and conviction, not on doubt and conjecture, and doubt is interpreted in favour of the accused. If there is doubt whether he did or did not act, the presumption is that he did not, since the presumption is innocence.

In a saying handed down from Umar ibn al-Khattab, may God be pleased with him: "If people were given according to their claims, men would lay claim to the blood and property of others. But the burden of proof is on the claimant and the oath is on the one who denies."

Given the legal maxims "the presumption for a person is innocence" and "a presumption is displaced only by certainty", if the judge doubts that the accused committed the act, or was not brought sufficient evidence, or the evidence contradicted itself, the presumption is that he did not commit it.

In this regard we cite the ruling of the Dubai Court of Cassation on acquittal: "It is settled in the case law of the Federal Supreme Court that in criminal trials it is enough for the trial court to doubt the soundness of attributing the charge to the accused for it to acquit, since the matter turns on what it is satisfied with in assessing the evidence. A judgment is not vitiated because the court failed to reply to some of the prosecution evidence, as it is not obliged, when acquitting, to reply to every item of evidence, so long as it preferred the defence of the accused or was beset by suspicion and doubt about the soundness of the elements of proof, and because failing to discuss them implies that it rejected them and saw nothing in them to satisfy it of the accused's guilt."

Fourth: deficiency of the Prosecution's investigations, in depriving the accused of the right of defence at the prosecution stage by denying and neglecting to investigate essential documents (WhatsApp conversations and calls between him and the complainant, and bank transfers in favour of the complainant).

Third: we plead for cancellation of the proportional fine, and that this be recorded, on the basis of the attached waiver.

We draw the court's attention to the fact that, in application of the ruling of the General Assembly of the Court of Cassation, which concluded that the fine provided for in the third paragraph of Article 83 of the Crimes and Penalties Law, prescribed as a substitute for confiscation, may not be imposed in the two cases of the property being returned to the bona fide third party, or the latter acknowledging a settlement with the person who obtained the property or things, after the crime and before it is decided by a final judgment. It is legally settled in the case law of the Court of Cassation that the proportional fine as a substitute for confiscation depends on its cause, namely that it is impossible to seize the property or things, or impossible to order their confiscation despite seizure, which is not the case where the property is returned or a release is given by settlement and waiver. Moreover, the return of the property or things to the bona fide third party, or the latter's acknowledgment of settlement or waiver, is equivalent to returning the property to him. It means that the bona fide third party has received all his rights, so that a fine under the third paragraph of Article 83 of the Crimes and Penalties

Law has no object. This accords with the legislator's intention to confine the fine to the two cases described and no others. The court therefore has no choice but to amend the contested judgment and cancel the proportional fine imposed. See Decision No. 5 of 2024, decisions of the General Assembly, Cassation.

Fourth: we plead deficiency in the record of investigations.

It is settled that the legislator required, in Article 216 of the Criminal Procedure Law, that every judgment of conviction contain the reasons on which it was built, failing which it is void. The reasoning the law recognises means identifying the grounds and arguments on which the judgment was built and which produced it, in fact or in law. For reasoning to achieve its purpose it must be set out clearly and in detail, so that the basis of the ruling can be understood. Casting the judgment in general phrases or putting it in a vague form does not achieve the purpose the legislator intended in requiring judgments to be reasoned, and does not enable the Court of Cassation to monitor the correct application of the law to the facts as established in the judgment.

Turning to the grounds of the contested judgment and the reasons recorded in it, it is clear to the honourable court that the judgment is devoid of reasons indicating to the reader that the court grasped the circumstances of the case with insight and discernment. (Appeal No. 770/2015, dated 23/11/2015, judgments of the Dubai Court of Cassation.)

Article 2 of the Federal Penal Code provides: "No person shall be held responsible for the crime of another, and the accused is innocent until proved guilty according to law."

This is because the presumption for a person is innocence, which needs no proof, unlike a conviction, which requires conclusive evidence built on certainty and conviction, on the basis that the presumption of innocence is supported by the fact that the accusation asserts the contrary of the presumption. Accordingly, if the prosecution does not succeed in proving its claim conclusively, the presumption, which is innocence, must stand.

Accordingly, and on the basis of the foregoing, we begin to discuss the accused's defence as follows. The trial court erred in applying the correct law, as follows.

First: breach of the accused's right of defence at the prosecution stage and before the trial court, and disregard of the accused's request that the criminal case be held to have lapsed by reconciliation and of the absence of any role for him in the case.

Article 179 of the Federal Criminal Procedure Law of 1992 and its amendments provides: "The court may, even of its own motion in the course of hearing the case, order the production of any evidence it considers necessary to bring out the truth."

The judge's doubt about the soundness of the attribution of the charge is enough to acquit. It is enough in criminal trials for the judge to doubt the soundness of attributing the charge to the accused in order to acquit, as the matter turns on what he is satisfied with in assessing the evidence, so long as it appears from the judgment that he examined the evidence with insight and discernment, and he may not be required to take one piece of evidence over another. Appeal No. 258/2012, dated 11/6/2012.

The waiver issued and filed electronically in the case file, and endorsed by the judge as seen and attached, has the effect that the criminal case then lapses, and this is established.

Pleas, requests and mitigating reasons

Honourable court, on the basis of Decree No. 30 of 2021 as the law more favourable to the accused; and as the two accused are young men in the prime of life, with a home, parents and a family resident in the State whom they support; and as they are at the start of their lives and need someone to stand beside them so that they can go on building a stable family, without loss or break-up or an unknown fate as a result of a doubt about intent or an unreasonable attribution lacking irrefutable evidence.

Honourable court, the accused is a role model for his small family and his extended family. Justice suffers nothing by tempering its rulings with clemency and fairness toward the accused in this situation, since punishment was not legislated for deterrence but for uprightness, knowledge and the application of justice. We therefore look to your justice and your fair scales to impose the minimum fine on him, with the prison sentence cancelled and its execution suspended, or to apply judicial pardon, with the deportation of both cancelled.

Closing requests

For the foregoing, and for more general and comprehensive reasons, we ask your justice for the following.

Principally:

1. To accept the defence in form for having been filed within the time limits prescribed by law.
2. To accept the defence on the merits and rule that the criminal case has lapsed by settlement, or to acquit the appellant accused for having no link to the crime.
3. To accept the waiver in the case before your justice, record the settlement in the minutes of the session, and consequently hold that the criminal case has lapsed.
4. To rule that the deportation of the two appellant accused be cancelled, in view of their young age and their not having committed the crime from evil motives.

In the alternative: to exercise clemency and mercy by confining the ruling to suspension of the prison sentence only.

With all reservation and respect. On behalf of the appellants, Advocate Saeed Al Hashmi. *[Signature and firm stamp.]*

4. Folder of documents (page 22)

Folder of documents submitted to the honourable Dubai Criminal Court of Appeal in Case No. 2025/3696+3719, penal appeal. Submitted by the appellants: 1. Sumit Bainsla Devraj. 2. Arav Khan Jakir Khan. Represented by Advocate Saeed Al Hashmi.

No.	Pages	Date	Description
1	3	2025/8/4	The complainant's waiver in favour of the accused
2	2	Various dates	Identity documents of the appellants, proving their continued residence and work in the State
Total	3		Three (3) sheets only

With all reservation and respect. Advocate Saeed Al Hashmi. *[Signature and stamp.]*

5. Notarised waiver (pages 23 to 27)

[Page 23 is a Dubai Courts "Documents System" cover sheet.]

Declaration of waiver of personal right: case / claim / complaint / report

Details of the parties to the transaction.

Role	Name	Nationality	Document	Legal capacity
Declarant	Mohammed Ijaz Purathakandam Mohiuddin Mohiuddin	India	Emirates ID ending 9064	Victim. Dispute: Case No. 2025/33555, penal, Report No. 3090/2025, Naif Police Station
Declarant	Mohammed Afrad Otto Purakkal Abdullah Shadashi	India	Emirates ID ending 0844	Victim. Same case and report
Beneficiary	Arav Khan Jakir Khan	India	Emirates ID ending 2184	
Beneficiary	Mohammad Reza Alam Mohammad Mahbub Alam	Bangladesh	Emirates ID ending 0387	

Role	Name	Nationality	Document	Legal capacity
Beneficiary	Debashish Chowdhury Sribash Chowdhury	Bangladesh	Emirates ID ending 1106	
Beneficiary	Sumit Bainsla Devraj	India	Emirates ID ending 6104	

By this deed the declarant declares to the beneficiary, in the capacity stated above, the following:

Waiver of the personal right in the dispute whose details are stated above.

In return for a sum of (1,100,000) dirhams which has been received.

Waiver in Case No. 2025/33555, penal, Report No. 3090/2025, Naif Police Station. We the undersigned, Mr Mohammed Ijaz Purathakandam Mohiuddin Mohiuddin, of Indian nationality, holder of Emirates ID ending 9064, and Mr Mohammed Afrad Otto Purakkal Abdullah Shadashi, of Indian nationality, holder of Emirates ID ending 0844, in our capacity as the victims in the said case, hereby waive, in the case numbered above, in favour of the accused: Arav Khan Jakir Khan, of Indian nationality, holder of passport No. U4985389; Mohammad Reza Alam Mohammad Mahbub Alam, of Bangladeshi nationality, holder of a passport ending 5487; Debashish Chowdhury Sribash Chowdhury, of Bangladeshi nationality, holder of a passport ending 0738; and Sumit Bainsla Devraj, of Indian nationality, holder of Emirates ID ending 6104. We declare that we have waived our right finally and irrevocably, in return for AED 1,100,000 (one million one hundred thousand UAE dirhams). We release the accused by a general and comprehensive release, and I drop the case brought in this regard generally and finally. I undertake not to bring any case in future and not to claim any right relating to the subject of the above case hereafter. This is my declaration to that effect, and I ask the Notary Public to notarise it in due form.

Party	Attended	Signed
Mohammed Ijaz Purathakandam Mohiuddin Mohiuddin (declarant no. 1)	26-02-2026, 13:17:06	26-02-2026, 13:26:47
Mohammed Afrad Otto Purakkal Abdullah Shadashi (declarant no. 2)	26-02-2026, 13:17:07	26-02-2026, 13:27:14
Debashish Chowdhury Sribash Chowdhury (beneficiary no. 3)		26-02-2026, 13:27:58

Private Notary Public (Al Waad Private Notary Services). Request No. 2026/82046. Receipt No. 2026/135559. Document No. 350643/1/2026. Date of issue: 2026-02-26. The signature was attested using digital transaction technologies. Private Notary Public:

Alia Hamid Majid Al Ameri. To verify the document, scan the QR code or use the Dubai Courts website, www.dc.gov.ae. *[Footer on each page: "This transaction was completed electronically and needs no further stamp or signature."]*

6. Waiver on Sarco letterhead (page 28)

[Letterhead: Sarco Jewellery Trading LLC, Al Swaidi Bldg., Shop No. 2, Behind Malabar Gold, Gold Souq, Deira, Dubai. The text repeats the notarised waiver word for word, including the AED 1,100,000 received and the release of all four accused. Handwritten names and signatures: "Mohammad Ijaz. P.M" and "Muhammed Afrad OP". A third signature sits over the round company stamp of Sarco Jewellery Trading LLC, Dubai.]

7. Identity documents (pages 29 to 32)

[Page 29 reads "Document No. 2". Pages 30 and 31 are UAE Resident Identity Cards.]

Field	Sumit Bainsla Devraj	Arav Khan Jakir Khan
Date of birth	26/04/1996	31/07/1993
Nationality	India	India
Issued	25/06/2025	26/07/2025
Expires	24/06/2027	25/07/2027
Occupation	Director	Investor
Employer	Seven Seas Hotel LLC	Moaza Al Maktoom Event Management LLC
Issuing place	Dubai	Dubai

Passport, Republic of India (page 32). Type P, country code IND, passport No. U4985389. Surname: Khan. Given name: Arav. Nationality: Indian. Sex: M. Date of birth: 31/07/1993. Place of birth: Narendrapur, West Bengal. Place of issue: Kolkata. Date of issue: 28/07/2020. Date of expiry: 27/07/2030. Stamped "Emigration Check Required". Name of father or legal guardian: Jakir Khan. Name of mother: Rehana Bibi Khan. Name of spouse: Sajeema Nasrin. Address: Kandarpapur, near Uday Sangha Club, Narendrapur, Kolkata, PIN 700084, West Bengal, India. Old passport number: blank. A file number is printed.

8. Report of appeal (page 33)

[Letterhead: Government of Dubai, Public Prosecution.]

Report of challenge by appeal. Appeal No. 3696/2026. Case appealed: 33555/2025, penal, misdemeanour.

Date of the report of appeal: 16/03/2026. Appeal filed by: Advocate Saeed Ibrahim Al Sayed Ahmed Al Hashmi, counsel for the accused Sumit Bainsla Devraj.

He decided to appeal the judgment issued on 16/03/2026 by the Dubai Court of First Instance in the case mentioned above. Respondent: the Public Prosecution.

For the following reasons: the memorandum will be submitted at the next session.

A session has been fixed to hear this appeal on Tuesday 21/04/2026 before the Court of Appeal in the Dubai Courts building at ten in the morning in Hall No. D.20.2.

Competent officer: Alia Saleh Ahmed Lootah. Appellant's representative: Saeed Ibrahim Al Sayed Ahmed Al Hashmi.

Note: the Public Prosecution is not responsible for any error that may occur in registering the appeal or cassation challenge submitted by the lawyer.

Fees and deposits: non-refundable appeal deposit, 500. Status: not paid.

9. Special power of attorney for cases (page 34)

[Letterhead: Saeed Al Hashmi Advocates and Legal Consultants.]

I the undersigned, Mr Sumit Bainsla Devraj, of Indian nationality, holder of identity card ending 6104, in whatever capacity, appoint and authorise Advocate Saeed Ibrahim Al Sayed Ahmed Al Hashmi, of the office of Saeed Al Hashmi Advocates and Legal Consultants, in all disputes and cases brought against me or brought by me against any party whatsoever. He has the right to represent me before the courts and official and semi-official departments, and before companies and all individuals and police stations throughout the United Arab Emirates, including Dubai police stations, Airport Police Station, Al Rashidiya Police Station, all police stations and the Public Prosecution, the Centres for Amicable Settlement of Disputes, the Rental Disputes Committee, police stations, the Federal Authority for Identity and Citizenship, and the Notary Public. I have given him by this power of attorney all the powers I enjoy in law. He has the right to file cases, respond to them and waive them, to follow up experts, to register all reports on my behalf such as criminal reports at police stations, to notify and be notified, to represent me before the Public Prosecution, to object, to enforce judgments, and to register cases at Dubai Courts.

He also has the right to file appeals, to submit petitions for reconsideration, and challenges by cassation and all other challenges; the right to register enforcement and submit applications in enforcement, travel bans and documents; and likewise the right to

conduct settlement, release, relinquishment and waiver, and the right to collect a passport from any government body.

He also has the right to accept and reject arbitration and to take whatever he considers necessary for the arbitrators to perform the tasks entrusted to them, the right to tender or reject the oath, and I have authorised him to appoint others in all or part of what he is authorised to do and to exercise the powers mentioned above.

Declaration: I the undersigned, in full legal capacity, agree to everything stated in this transaction and have signed accordingly.

The principal. *[Signature.]*