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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010276532026

+ **CRL.A. 608/2026 & CRL.M.(BAIL) 1249/2026**

RIHAN @ RIZWAN (CONVICT) Appellant

Through: Mr. S.S. Chauhan, Ms. Anjali Chauhan, Adv.

versus

STATE NCT OF DELHI Respondent

Through: Mr. Digam Singh Dagar, APP

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

% **24.08.2026**

1. This hearing has been done through hybrid mode.
2. The present criminal appeal has been filed by the Appellant under Section 374 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') / Section 415 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS') challenging the judgment dated 20.02.2026 and order on sentence dated 21.05.2026 passed by the learned Additional Sessions Judge (FTC), North-East, Karkardooma Courts, Delhi in **Sessions Case No. 371/2018** arising out of **FIR No. 449/2018** registered at Police Station Bhajanpura, Delhi. Vide the impugned judgment, the Appellant has been convicted for the offences punishable under Sections 393/398/34 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC'). Vide order on sentence dated 21.05.2026, the Appellant has been sentenced to undergo rigorous imprisonment for a period of seven years.



3. The relevant extract of the impugned judgement dated 20.02.2026 is reproduced hereinbelow:

Thus, the court comes to the conclusion that the prosecution has successfully proved the commission of offence u/s 393/34 IPC by both the accused persons and of the commission of offence u/s 398 IPC by accused Rihan @ Rizwan beyond all reasonable doubts. Accordingly, both accused Rihan @ Rizwan and Sakib @ Azeem are hereby convicted for the commission of offences u/sec. 393/34 IPC. Further, accused Rihan @ Rizwan also stands convicted for the commission of offence u/s 398 IPC.

4. Learned counsel for the petitioner submits that no injury was caused to the complainant. It is further submitted that no damage was caused to the car and that the prosecution failed to conduct any mechanical inspection of the vehicle to establish the alleged damage. Learned counsel further submits that the co-accused has been sentenced to imprisonment for the period already undergone by him by this court and, the petitioner be granted parity with the co-accused.

5. Learned APP for the State submits that although the co-accused has been sentenced to imprisonment for the period already undergone, the role attributed to the present appellant is distinct, as he was found in possession of a knife. It is further submitted that the appellant has been sentenced to undergo imprisonment for a period of seven years, as against five years awarded to the co-accused. Learned APP further submits that the appellant has several criminal antecedents, with 28 cases registered against him. However, it is fairly conceded that the appellant has not been convicted in any of the said cases and that there is no previous conviction on record.



6. At this stage, learned counsel for the petitioner submits that the petitioner is not challenging his conviction and seeks leniency in the sentence imposed upon him.

7. The relevant extracts from the order on sentence dated 21.05.2026 are reproduced hereinbelow:

Accordingly, considering the seriousness of the offences committed by the convicts and totality of all the facts and circumstances of the case, the court is of the view that the ends of justice would meet if convict Rihan @ Rizwan and Sakib @ Azeem are sentenced as follows:

(i) For the commission of offence punishable under Section 393/34 IPC, both the convicts are sentenced to undergo rigorous imprisonment for a period of 05 (five) years and a fine of Rs.10,000/- (Rupees Ten thousand only). In default of payment of fine, the convicts shall undergo SI for six (06) months.

(ii) For the commission of offence punishable under Section 398 IPC, the convict Rihan @ Rizwan is sentenced to undergo rigorous imprisonment for a period of 07 (seven) years.

8. Learned counsel for the petitioner submits that the petitioner is now confining his challenge to the order on sentence, whereby he has been sentenced to the maximum punishment prescribed under the relevant provision.

9. As per the nominal roll, the Appellant has undergone four years, two months and eleven days of imprisonment as on 19.08.2026.

10. Therefore, without entering into the merits of the case, and keeping in view the object of reformation and rehabilitation of offenders, as well as the



facts and circumstances of the case, the ends of justice would be met if the Appellant is sentenced to the period of imprisonment already undergone by him.

11. The Appellant be released forthwith, if not required in any other case.
12. The appeal is disposed of. Pending application(s), if any, also stand disposed of.
13. A copy of this order be communicated to the concerned Jail Superintendent and the concerned learned Trial Court for necessary information and compliance.
14. The order be uploaded on the website forthwith.

MADHU JAIN, J

AUGUST 24, 2026/prg/sd