



\$~71

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

CNR No. DLHC010454712026

+ **CRL.REV.P. 564/2026 & CRL.M.As. 29675/2026, 29676/2026, 29677/2026**

RINKI

.....Petitioner

Through: **Mr. Jai Bansal and Ms. Rakshita Saxena, Advocates.**

Versus

STATE NCT OF DELHI AND ANR

.....Respondents

Through: **Mr. Yudhvir Singh Chauhan with Mr. Narender Kumar, Advocate for State. ASI Vikram Singh, P.S. Karawal Nagar.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

23.09.2026

%

1. The present revision petition assails the order on sentence dated 31st July, 2026 passed by the ASJ-04, North-East District, Karkardooma Courts, Delhi in FIR No. 21/2010 and SC No. 44235/2015, P.S. Karawal Nagar, Delhi, titled as ***State v. Gourav***. By the said order, Respondent No. 2 was sentenced to undergo rigorous imprisonment for a period of seven years along with fine of ₹35,000/- for the offence punishable under Section 495 of the Indian Penal Code, 1860¹, pursuant to the judgment of conviction dated 6th June, 2026. The grievance of the Petitioner is confined to the quantum of

¹ "IPC"



sentence.

2. The Petitioner is the complainant/victim in the aforesaid case. The prosecution case, in brief, was that Respondent No. 2 had contracted marriage with one Prabha Yadav on 20th February, 2009 and, while the said marriage was subsisting, contracted marriage with the Petitioner on 28th April, 2009 without disclosing the fact of his earlier marriage. The Petitioner alleged that, after the marriage, she was subjected to dowry demands, physical and mental cruelty and threats by Respondent No. 2 and his family members and that she subsequently came to know of the subsisting marriage of Respondent No. 2 with Prabha Yadav.

3. On the basis of the complaint made by the Petitioner, FIR No. 21/2010 was registered at P.S. Karawal Nagar under Sections 498A, 406, and 420 IPC, read with Section 34 IPC, and Section 4 of the Dowry Prohibition Act, 1961. Upon completion of trial, the Trial Court, *vide* judgment dated 6th June, 2026, convicted Respondent No. 2 under Section 495 IPC, while acquitting the co-accused of the charges framed against her. Thereafter, *vide* the impugned order dated 31st July, 2026, Respondent No. 2 was sentenced to undergo seven years' rigorous imprisonment along with fine of ₹35,000/-.

4. Counsel for the Petitioner submits that Respondent No. 2 was convicted under Section 495 IPC, which constitutes an aggravated form of the offence of bigamy punishable under Section 494 IPC, the aggravating circumstance being the concealment of the fact of the former marriage from the person with whom the subsequent marriage is contracted. It is submitted that, having regard to the findings recorded by the Trial Court regarding the deliberate concealment of the subsisting first marriage of Respondent No. 2,



the sentence of seven years imposed upon him is inadequate and ought to be enhanced to the maximum sentence of ten years prescribed under Section 495 IPC.

5. Counsel further relies upon the judgment of the Bombay High Court in *Anand Singh v. State of Maharashtra*², to contend that, although an appeal at the instance of a victim seeking enhancement of the sentence may not be maintainable, a revision petition seeking such enhancement is maintainable in the circumstances of the present case.

6. This Court has considered the submissions advanced on behalf of the Petitioner. At the outset, it is observed that this Court is not required, for the purposes of the present petition, to return any definitive finding on the maintainability of the revision petition. Even assuming, in favour of the Petitioner, that the present proceedings are maintainable and that the revisional jurisdiction of this Court can be invoked by the Petitioner for enhancement of sentence, this Court finds no ground warranting interference with the sentence awarded.

7. Section 495 IPC does not prescribe a sentence of ten years. It prescribes imprisonment which “may extend to ten years”, along with fine. Thus, ten years is the maximum permissible sentence and not the sentence statutorily mandated upon conviction. The fact that Section 495 carries a higher maximum punishment than Section 494 does not, by itself, mean that every conviction under Section 495 must attract a sentence approaching or reaching that maximum.

8. The very circumstance relied upon by the Petitioner to seek enhancement, namely, concealment of the former marriage, is intrinsic to the



offence under Section 495 IPC. The Trial Court, having convicted Respondent No. 2 under Section 495 IPC, necessarily found the ingredients of that offence proved and, while determining the quantum of sentence, consciously awarded seven years' rigorous imprisonment. The mere fact that the statute permits a sentence extending up to ten years cannot, by itself, furnish a ground for revisional interference. Significantly, no other ground has been urged by the Petitioner to assail the quantum of sentence imposed by the Trial Court.

9. At this stage, it is pertinent to note the limited scope of interference under Section 442 of BNSS at the stage of revision. Revisional jurisdiction exists to ensure the legality and propriety of subordinate court orders, correcting jurisdictional defects, manifest legal errors, or perverse findings causing miscarriage of justice. It is not an appellate forum for re-assessing evidence or substituting another plausible view.³ In light of the foregoing discussion, and bearing in mind the scope of revisional jurisdiction, this Court finds no perversity or legal infirmity in the findings of the Sessions Court so as to warrant interference.

10. In the aforesaid circumstances, even assuming that the present revision petition is maintainable, no case for exercise of revisional jurisdiction for enhancement of sentence is made out. It is clarified that nothing contained in this order shall be construed as a finding that the sentence imposed upon Respondent No. 2 is adequate on merits, or as an expression of opinion on any challenge to the judgment of conviction or order on sentence that may be preferred by any other party, and any such

² Criminal Appeal No. 467/2012, decided on 10th June, 2022

³ State of Kerala v. Puttumana Illath Jathavedan Namboodiri, (1999) 2 SCC 452.



proceedings shall be considered independently in accordance with law.

11. Accordingly, the petition is dismissed along with pending applications.

SANJEEV NARULA, J

SEPTEMBER 23, 2026

as