



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CrI.A.No.270/2021 AND CRL.M.(BAIL) 1162/2021**

Judgment reserved on : 17.01.2022

Date of decision : 01.02.2022

MOHD. TABSIR

..... Petitioner

Through: **Mr.Abhinav Kumar Srivastava ,**
Advocate

versus

THE STATE NCT OF DELHI

..... Respondents

Through: **Mr.Mukesh Kumar, APP for**
State

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

JUDGMENT

ANU MALHOTRA, J.

1. The appellant vide the present appeal assails the impugned judgment dated 28.2.2020 and the impugned order on sentence dated 11.3.2020 of the Court of the learned Additional Sessions Judge-05, POCSO, Saket Court in FIR no. 527/2013 PS Mehrauli, whereby the appellant has been held guilty and has been convicted under Section 354 of the Indian Penal Code, 1860 and Section 10 of the POCSO Act, 2012 and has been sentenced to undergo rigorous imprisonment for a period of six years for commission of the offence punishable under Section 10 of the POCSO Act, 2012 and a fine of Rs.20,000/- and in default to undergo rigorous imprisonment for a period of 30 days submitting inter alia to the effect that he has been falsely implicated in the case.



2. Along with the appeal was CrI.M.B.No. 1162/2021 filed by the appellant seeking suspension of sentence during the pendency of the appeal. Vide order dated 16.9.2021, it being the first appeal, the same was admitted for hearing. The Trial Court Record was directed to be requisitioned in the e-form and the physical form and the Trial Court Record has since been received. Vide order dated 16.9.2021, notice of the appeal was also directed to be issued to the prosecutrix through the Investigating Officer to be represented either herself or through her authorized representative, on taking of steps by the appellant.

3. Vide order dated 10.11.2021 it is indicated that the Investigating Officer SI Prem Kumar joined the proceedings through Video Conferencing and submitted that the prosecutrix had not joined the proceedings as her mother had informed that she wanted the prosecutrix to be married and they did not intend to pursue the matter any further nor qua the aspect as to whether there was any further sentencing or not.

4. Vide order 10.11.2021, it was considered appropriate that in view of the spirit of the POCSO Act, 2012, the appeal be heard expeditiously and production warrants were thus issued to the Superintendent Jail, Delhi for production of the appellant, who was produced for the hearing on 17.1.2022 through video conferencing. The Nominal Roll of the appellant has been received from the Superintendent, Central Jail No.7, Tihar, New Delhi dated 1.12.2021 which indicates that the appellant as on 1.12.2021 had undergone 2 years 1 month and 12 days of incarceration with a remission of 5 months and 18 days having been earned by the appellant with the



unexpired portion of the sentence being 3 years 5 months in the event of the fine being paid. The appellant is indicated to be working as a welding panja sahayak at the jail with his conduct at the jail being satisfactory with no punishment recorded.

5. Submissions were addressed on behalf of appellant by learned counsel for the appellant and on behalf of the State by the learned APP for State.

6. The FIR in the instant case is indicated to have been registered on 05.08.2013 at Police Station Mehrauli under Section 8 of the POCSO Act, 2012 on the complaint of Smt. 'G' the mother of the victim 'A' then aged 9 years with the FIR having been registered at 5:50 a.m. on 05.08.2013 in relation to the incident of the date 05.08.2013 which is stated to have taken place at 3:30 a.m. onwards.

7. The complainant Smt. 'G' through the FIR stated that she and her husband 'U' worked as laborers and they have three daughters and a son and about six months before her family had come to Delhi in search of work and her husband 'U' used to work with one 'J' at Mangla Puri and that they had no regular place of abode and were living underneath the pillar No. 29 near Chattarpur Metro Station and that day i.e., 05.08.2013 she was sleeping with her children and her husband and at about 3:30 a.m., she heard the sound of her middle daughter 'A' aged 9 years crying and when she woke up she saw that the panty of her daughter 'A' was open till her knees and at that time she also saw that a boy was running away from there and at that time her daughter 'A' had pointed out towards that boy and told her



mother, i.e., 'G' that that boy had been molesting her and had opened her panty whereupon she woke her husband up who took the assistance of her nephew 'S' and her husband and her nephew apprehended the appellant, whose name on inquiry was learnt to be Mohd. Tabsir S/o Mohd. Shamim R/o D-39, Ambedkar Colony, Chhattarpur, New Delhi, aged 23 years. As per the FIR, the appellant was beaten by the husband of 'G' as also by her nephew 'S' and thereafter her husband telephoned the police at No.100 and the police came and her husband had handed over the appellant to the police. The complainant thus sought action against the appellant for having molested her daughter.

8. As per the endorsement on the FIR, SI Manish Kumar of P.S. Mehrauli D-4823 was entrusted with the investigation of the case in as much as he received the information vide DD No. 9A whilst on emergency duty and thus he along with Ct. Harkesh No.1436/SD reached the spot beneath the Pillar No.29 near Chhattarpur Metro Station where he met the complainant 'G' and her husband 'U' and her nephew 'S' and the victim 'A' who produced the appellant to the Investigating Officer whereafter the statement of 'G' was recorded and the rukka was sent for registration of the FIR.

9. Vide order dated 18.11.2013 charges under Section 8 of the POCSO Act, 2012 were held to have been made out against the appellant herein which charges were framed to which the appellant pleaded not guilty and claimed trial. Vide order dated 18.07.2019, the charge was altered to be one under Section 10 of the POCSO Act read



with Section 354 of the Indian Penal Code, 1860 to which the accused, i.e. the appellant herein, pleaded not guilty and claimed trial.

10. Nine prosecution witnesses have been examined in the matter by the prosecution as set forth in para 7 of the impugned judgment which reads to the effect:

“ 7. The prosecution examined following witnesses to prove its case.

<i>S.No.</i>	<i>Name of the Witness</i>	<i>Role of the Witness</i>	<i>Number</i>
<i>1.</i>	<i>‘A’</i>	<i>Victim</i>	<i>PW1</i>
<i>2.</i>	<i>‘G’</i>	<i>Mother of Victim</i>	<i>PW2</i>
<i>3.</i>	<i>‘U’</i>	<i>Father of the Victim</i>	<i>PW3</i>
<i>4.</i>	<i>Dr.Shinjini</i>	<i>She proved the MLC of the Victim prepared by Dr. V.Aruna Kumari</i>	<i>PW4</i>
<i>5.</i>	<i>ASI Rajesh Kadian</i>	<i>Duty Officer who registered the FIR</i>	<i>PW5</i>
<i>6.</i>	<i>‘SK’</i>	<i>Cousin of the Victim</i>	<i>PW6</i>
<i>7.</i>	<i>Ct.Harkesh</i>	<i>He joined the investigation on 05.08.2013 with the IO</i>	<i>PW7</i>
<i>8.</i>	<i>SI Manish Kumar</i>	<i>Investigating Officer</i>	<i>PW8</i>
<i>9.</i>	<i>Dr.Mohit Gupta</i>	<i>Chairman of the Board constituted for conducting the ossification test of the Victim for determining her age</i>	<i>PW9</i>

”



11. The documents relied upon by the prosecution were set forth in para 8 of the impugned judgment to the effect:

“ 8. The prosecution relied upon the following documents during the trial:-

<i>S.No.</i>	<i>Particulars of the documents</i>	<i>Exhibit Number</i>
1.	<i>Complaint</i>	<i>Ex.PW2/A</i>
2.	<i>Arrest memo of the accused</i>	<i>Ex.PW2/B</i>
3.	<i>Personal Search Memo of the accused</i>	<i>Ex.PW2/C</i>
4.	<i>Statement of mother of the Victim recorded u/s 164 Cr.P.C.</i>	<i>Ex.PW2/D</i>
5.	<i>MLC of the Victim 'A'</i>	<i>Ex.PW4/A</i>
6.	<i>FIR</i>	<i>Ex.PW5/A</i>
7.	<i>Endorsement by the duty officer on the Rukka</i>	<i>Ex.PW5/B</i>
8.	<i>Disclosure statement of the accused</i>	<i>Ex.PW7/A</i> <i>(Inadmissible in evidence as per Section 25 of Indian Evidence Act)</i>
9.	<i>DD no.9A dated 05.08.2013</i>	<i>Ex.PW8/A</i>
10.	<i>Rukka</i>	<i>Ex.PW8/B</i>
11.	<i>Site Plan</i>	<i>Ex.PW8/C</i>
12.	<i>Application moved by the Investigating Officer with request to record the statement of complainant under Section 164</i>	<i>Ex.PW8/D</i>



	<i>Cr.P.C.</i>	
13.	<i>Statement of Victim recorded by the IO in question answer form</i>	<i>Also Ex.PW8/D (shall be referred as Ex.PW8/DA hereinafter)</i>
14.	<i>Statement of Victim recorded Section 164 Cr.P.C.</i>	<i>Ex.PW8/E</i>
15.	<i>Application moved by the IO with request to record the statement of the Victim u/s 164 Cr.P.C.</i>	<i>Ex.PW8/F</i>
16.	<i>Election identify card of mother of the Victim</i>	<i>Ex.PW8/G</i>
17.	<i>Application move by the IO for Ossification Test of the Victim</i>	<i>Mark PW9/A</i>
18.	<i>Order of the HOD, Department of Forensic Medicine and Toxicology, VMMC & S.J. Hospital, constituting a Board for age estimation of the Victim</i>	<i>Ex.PW9/B</i>
19.	<i>Report of examination by the Medical Board</i>	<i>Ex.PW9/C</i>
20.	<i>X-ray report with X-ray films</i>	<i>Ex.PW9/D(colly)</i>

”

12. The accused, i.e., the appellant herein put himself forth in the witness box as DW-1. Inter alia, during the trial of the case, the accused in terms of Section 294 of the Cr.P.C., 1973 had admitted the recording of the statement Ex.PX-1 of the victim under Section 164 of the Cr.P.C., 1973 and did not dispute the genuineness of the statement without calling the witness, i.e., Ms.Manisha Tripathi, the Learned



Metropolitan Magistrate, who recorded the same. The accused is also indicated to have admitted the proceedings vide which the statement of the mother of the victim was recorded Ex.PX, as per the statement dated 28.04.2018 and it is also observed vide the impugned judgment that the accused, i.e., the appellant herein had not chosen to cross-examine any of the witnesses after alteration of the charge and his statement in this regard too was recorded on 18.07.2019.

13. The learned Trial Court vide observations in paragraphs 9, 10, and 11 of the impugned judgment held to the effect:

“ 9. Material public witnesses of the prosecution are PW1, PW2, PW3 and PW6. They all are the eye witnesses. PW1 is the Victim. All the four witnesses deposed that the accused had lowered the panty of the Victim. Victim cried after which her mother got up and alerted her husband & nephew. When the family members were alerted, they got up and saw that the accused was fleeing away from the spot. They ran behind the accused and apprehended him near the Petrol Pump.

10. All the four witnesses were cross examined on behalf of the accused. The witnesses revealed that the Victim was sleeping in open, under the Metro Pillar, with her family, in the middle of her parents. Witnesses also revealed that there were no lights on the spot. Some of the witnesses admitted that Jagran was going on in the temple nearby. They also deposed that they did not see the accused committing the act but equivocally deposed that the accused was fleeing away and the Victim had pointed out towards him. They denied the suggestion that accused was falsely implicated because he stopped near the place



where family of the Victim was sleeping and urinated after which he was scolded & beaten up.

11. The medical examination of the Victim does not reveal any external injury. The external genitalia of the Victim was found in normal condition as per the MLC Ex.PW4/A. The allegations are not such that an injury on the person of the Victim was likely. Hence, the fact that no injury was found on the person of the Victim is not of much support to the case of the defence.”

14. On behalf of the accused before the learned Trial Court as well as before this Court, the learned counsel for the appellant submitted that the appellant had been falsely implicated in this case for urinating near the area where the family of the victim was sleeping and that though there were a large number of public witnesses at the spot where a jagran was going on as admitted by the prosecution it is unbelievable that no public witness could be joined as eyewitnesses in the matter. Inter alia, it was submitted on behalf of the appellant that the prosecution version of the daughter of the complainant having been molested by the appellant whilst the daughter of the complainant was sleeping between her parents is unbelievable. Inter alia it was submitted on behalf of the appellant that the identity of the appellant as being the offender has not been established beyond a reasonable doubt as the prosecution had admitted that there was no light on the spot.

15. Vide paragraphs 23 and 24 of the impugned judgment it was observed to the effect:

“ 23. PW8 SI Manish Kumar explained during his cross examination that there was a huge



distance between the place of occurrence and Chattarpur Mandir where jagran was going on as the accused claimed that he was going home from the jagran. Father of the Victim had revealed during his cross examination that Chattarpur Mandir is about one kilometer away from the place of occurrence. He was not confronted by the accused on this answer. If the distance between the place of occurrence and Chattarpur Mandir is about one kilometer, why would the accused walk down to that far off a place for urinating, especially considering that the said place is not an isolated spot but is located on the main road. The defence raised by the accused is improbable and palpably false. Such a defence is not sufficient to raise a doubt on the story of the prosecution especially when the veracity of the witnesses of the prosecution is not doubtful.

24. The witnesses of the prosecution are credible and trustworthy. There is nothing on record to reflect why the witnesses, who are completely unrelated to the accused, would falsely implicate him out of blue moon. The accused has admitted his presence on the spot. He was apprehended on the spot itself and was handed over to the police then & there. Beating up of the accused on the spot is an admitted fact too. The explanation of the accused regarding his presence on the spot is not trustworthy. The allegations against the accused thus stand proved beyond reasonable doubt from the testimony of PW1, PW2, PW3 and PW6.”

16. The testimony of PW-1 A, the Victim, the testimony of PW-2- Mrs.G, the mother of the victim, PW-3 Mr. U, the father of the victim



are consistent and cogent in relation to all material particulars as observed by the learned Trial Court in as much as the aspect of the appellant herein having sexually assaulted the minor 'A' whilst she was sleeping with her parents and of the appellant herein having removed the undergarment of the minor 'A' and then of his running away when the minor 'A' started crying and shouting and of his then apprehension by the father of the minor 'A' along with the nephew of G and U stands established beyond a reasonable doubt. The statement of the victim minor 'A' dated 07.08.2013 recorded under Section 164 of the Cr.P.C., 1973 is also categorical in relation to the aspect of the appellant having opened the undergarment of the victim. She has further stated therein that the appellant even sat on her after having removed her under garment. The statement of Ms. 'G', the mother of the prosecutrix under Section 164 of the Cr.P.C., 1973 dated 07.08.2013 also corroborates the prosecution version.

17. That there was no light at the time of the incident is not refuted by minor 'A' the victim, but she categorically states that she identified the appellant as being the person who had removed her underwear and being the person who had been apprehended by her father whilst he was attempting to run away.

18. G, the mother of the victim has also whilst stating that there was no light at the place where they were sleeping in open stated that there was a road light available at the spot. That the testimony of PW-3 U, the father of the victim is true and reliable is brought out from the fact that he made no attempt to improve on the version of the minor 'A' and his wife G, that he apprehended the appellant only when his wife



G woke him up after his daughter minor 'A' was weeping on being molested by the appellant which itself makes the testimony of PW-3 wholly blemishless credible and reliable.

19. The defence put forth by the accused, i.e., the appellant herein, that he had been victimized for urinating at a place near the Chattarpur Mandir when some boys sitting there had abused him and he abused them back and there was an altercation and an exchange of pushing and slaps and beatings is falsified by the contention that the accused, i.e., the appellant herein, puts forth through his testimony that those boys who assaulted him snatched his mobile phone and made a PCR call and thereupon the police took him to the Police Station and got him falsely implicated through the FIR in question, in as much as despite the contention of the appellant that his mobile phone had been taken away by those boys who had assaulted him for having urinated at the spot near the occurrence, the accused, i.e., the appellant herein, filed no complaint against those boys in relation to his mobile phone having been taken away by them.

20. That there was no other eyewitness who saw the occurrence at the time of the occurrence at about 3.30 a.m. is not an aspect which detracts from the testimony of the prosecution witnesses, i.e., the victim, the minor 'A' and her mother 'G' and her father 'U' in any manner.

21. In the circumstances, it is held that there is no infirmity whatsoever in the impugned judgment.

22. The learned Trial Court vide the impugned judgment dated 28.02.2020 held the accused, i.e., the appellant herein guilty of the



offences punishable under Section 354 of the Indian Penal Code, 1860 and Section 10 of the POCSO Act, 2012, in terms of Section 42 of the POCSO Act, 2012 and Section 71 of the Indian Penal Code, 1860, which read to the effect:

Section 42 of the POCSO Act, 2012

“ 42. Alternate punishment.—Where an act or omission constitutes an offence punishable under this Act and also under Sections 166-A, 354-A, 354-B, 354-C, 354-D, 370, 370-A, 375, 376, 20[376-A, 376-AB, 376-B, 376-C, 376-D, 376-DA, 376-DB], 21[376-E, Section 509 of the Indian Penal Code or Section 67-B of the Information Technology Act, 2000 (21 of 2000)], then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment under this Act or under the Indian Penal Code as provides for punishment which is greater in degree.”

and Section 71 of the Indian Penal Code, 1860

“71. Limit of punishment of offence made up of several offences.—*Where anything which is an offence is made up of parts, any of which parts is itself an offence, the offender shall not be punished with the punishment of more than one of such of his offences, unless it be so expressly provided.*

[Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, or where several acts, of which one or more than one would by itself or themselves constitute an offence, constitute, when combined, a different offence, the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences.]”



23. Vide the impugned order on sentence dated 11.03.2020, the Ld. Trial Court, having held that the offences punishable under Section 10 of the POCSO Act, 2012 provides for a more severe punishment than Section 354 of the Indian Penal Code, 1860 sentenced the appellant for rigorous imprisonment for a period of six years for the offence punishable under Section 10 of the POCSO Act, 2012 and a fine of Rs.20,000/- and in default to rigorous imprisonment for 30 days in the event of the fine not being paid with the convict being entitled to the benefit of Section 428 of the Cr.P.C., 1973 for the period that he remained incarcerated.

24. Section 10 of the POCSO Act, 2012 provides for punishment for aggravated sexual assault to the effect:

“10. Punishment for aggravated sexual assault.— Whoever, commits aggravated sexual assault shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.”

25. In as much as, the prosecutrix was apparently below the age of 12 years on the date of the alleged commission of the offence, i.e., 05.08.2013 as has been brought forth through the trial in as much as the ossification test conducted of the victim on the date of her examination i.e., 25.10.2019 indicated her age to be between 16 to 17 years, coupled with there being no contest qua the ossification report of the victim - Ex.PW-9/B, the age of the victim as being 11 years on the date of the commission of the offence i.e. 05.08.2013 vide para 12



of the impugned judgment cannot be faulted with and thus in terms of Section 9(m) of the POCSO Act, 2012 which provides to the effect:

“9. Aggravated sexual assault.—

(a)

(i)

(ii)

(iii)

(iv)

(b)

(c)

(d)

(e)

(f)

(g)

(h)

(i)

(j)

(k)

(l)

(m) *whoever commits sexual assault on a child below twelve years; or*

(n)

(o)

(p)

(q)

(r)



(s)
 (t)
 (u)
 (v)..... ”

is said to commit aggravated sexual assault, the appellant has been rightly convicted qua the offence punishable under Section 10 of the POCSO Act, 2012 vide the impugned judgment and in terms of Section 42 of POCSO Act, 2012 read with Section 71 of the Indian Penal Code, 1860 rightly sentenced to the imprisonment in terms of the Section 10 of the POCSO Act, 2012, This is so in as much as though the offence punishable under Section 354 of the of the IPC, 1860, is not mentioned in Section 42 of POCSO Act, 2012, the ambit of Section 354A(i) of the IPC, 1860 which makes physical contact involving explicit overtures and the ambit of Section 354B of the IPC, 1860 which makes use of criminal force to any woman with the intention of disrobing her culpable, substantially and virtually fall within the ambit of Section 354 of the IPC, 1860 also as Section 354 of the IPC reads to the effect:

“354.Assault or criminal force to woman with intent to outrage her modesty.—Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both”.

Section 354A(1) of the IPC, 1860 reads to the effect:

“354-A. Sexual harassment and punishment for sexual harassment.—
(1) A man committing any of the following acts—



(i) *physical contact and advances involving unwelcome and explicit sexual overtures; or*
(ii) *a demand or request for sexual favours; or*
(iii) *showing pornography against the will of a woman; or*
(iv) *making sexually coloured remarks,*
shall be guilty of the offence of sexual harassment.”

And Section 354B of the IPC, 1860 reads to the effect:

“354-B. Assault or use of criminal force to woman with intent to disrobe.—Any man who assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine.”

However, taking into account the factum that the appellant is a first time offender, it is considered appropriate that the impugned sentence is reduced to the minimum sentence prescribed vide Section 10 of the POCSO Act, 2012 to the extent of five years instead of six years of rigorous imprisonment though the sentence qua the imposition of fine of Rs.20,000/- and in default of the payment of the fine to rigorous imprisonment of 30 days is sustained. Thus, the sentence imposed on the convict, i.e., the appellant herein, under Section 10 of the POCSO Act, 2012 shall now read to the effect of rigorous imprisonment of five years for the offence punishable under Sections 10 of the POCSO Act, 2012 read with fine of Rs.20,000/- and in default to rigorous imprisonment for 30 days with the benefit of Section 428 of the Cr.P.C., 1973 being given to the appellant.



26. However, in terms of the verdict of Supreme Court in ***“Phul Singh Vs. State of Haryana”*** in Criminal Appeal No. 506/1979 decided on 10.09.1979 and directions laid down by us in ***“Sanjay vs. State”*** 2017 III AD (Delhi) 24 dated 20.02.2017 so that the ***“carceral period reforms the convict”*** as also reiterated by this Court in ***“Randhir @ Malang vs. State”*** in CrI. A. No.456/2017, ***“Chattu Lal vs. State”*** in CrI.A. No.524/2017, ***“Afzal vs. State (Govt. of NCT of Delhi)”*** in CrI.A. No.996/2016, ***“Billo vs. State NCT of Delhi”*** in CrI. A.378/2017, ***“Dinesh Chand Vs. State (Govt. of NCT of Delhi)”*** in CrI.A. No.330/2018, ***“Rinku @ Ram Prasad vs. State”*** in CrI.A.865/2019, ***“Sanjeev Kumar vs. State (NCT of Delhi)”*** in CrI.A. No.643/2019, ***“Monu Tyagi @ Monu vs. The State (Govt. of NCT of Delhi)”*** in CrI.A. No.93/2019, ***“Salman Vs The State (Govt. of NCT of Delhi)”*** in CrI.A.367/2020 and ***“Chand Vs The State (Govt. of NCT of Delhi)”*** in CrI.A.621/2020, it is essential that the following directives detailed hereunder are given so that the sentence acts as a deterrent and is simultaneously reformatory with a prospect of rehabilitation.

27. The concerned Superintendent of the Jail, New Delhi where the appellant shall be incarcerated for the remainder of the term of imprisonment as hereinabove directed shall consider an appropriate programme for the appellant ensuring, if feasible:

- ***appropriate correctional courses through meditational therapy;***
- ***educational opportunity, vocational training and skill development programme to enable a livelihood option and an occupational status;***



- *shaping of post release rehabilitation programme for the appellant well in advance before the date of his release to make him self-dependent, ensuring in terms of Chapter 22 clause 22.22 (II) Model Prison Manual 2016, protection of the appellant from getting associated with anti - social groups, agencies of moral hazards (like gambling dens, drinking places and brothels) and with demoralised and deprived persons;*
- *adequate counselling being provided to the appellant to be sensitized to understand why he is in prison;*
- *conducting of Psychometric tests to measure the reformation taking place and;*
- *that the appellant may be allowed to keep contact with his family members as per the Jail rules and in accordance with the Model Prison Manual.*

28. Furthermore, it is directed that a Bi-annual report is submitted by the Superintendent, Tihar Jail, New Delhi to this Court till the date of release, of the measures being adopted for reformation and rehabilitation of the appellant.

29. The Trial Court Record be returned.

30. Copy of this judgment be supplied to the appellant and be sent to the Superintendent Jail, Delhi for compliance.

न्यायमेव जयते

ANU MALHOTRA, J.

FEBRUARY 01, 2022/SV