



2025:DHC:11646



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: December 19, 2025***+ **CRL.REV.P. 38/2014****RAJESH KUMAR**

.....Petitioner

Through: **Mr. Manish Sharma & Mr.
Shiva Vashisht, Advs.**

versus

STATE NCT OF DELHI

.....Respondent

Through: **Mr. Raj Kumar, APP for
the State.
SI Priyanka Saini, PS
Bindapur.****CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present petition is filed challenging the order dated 30.10.2013 and order on sentence dated 07.11.2013, passed by the learned Appellate Court in CA No. 18/2013.
2. By the said orders, the learned Appellate Court had dismissed the appeal filed by the petitioner and upheld the judgment dated 02.05.2013 and order on sentence dated 07.05.2013, passed in the case arising out of FIR No. 16/11 which was registered at Police Station H.N. Din, whereby the learned Trial Court had convicted the petitioner for the offence under Section 354 of the Indian Penal Code, 1860 ('IPC') and sentenced him to undergo rigorous imprisonment for a period of one year. The petitioner also challenges the aforesaid orders passed by the learned Trial Court.

Signature Not Verified

Signed By: **HARMINDER KAUR**
Signing Date: 19.12.2025
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3. Briefly stated, it is the case of the prosecution that on 16.01.2011, when the victim was returning to her residence after switching on the water motor, the petitioner (son of the victim's landlord) stopped her and insisted her to get a photograph clicked with him. On the victim's refusal, the petitioner caught hold of the victim's hand and dragged her inside a room in his house. The petitioner allegedly gagged the victim as well.

4. Aggrieved by his conviction and sentence being upheld by the learned Appellate Court, the petitioner preferred the present petition. The petitioner's sentence was suspended by this Court on 12.03.2014 after considering that the petitioner had already undergone four months in custody and the petition was not likely to be heard in the near future.

5. On the last date of hearing, the counsel for the petitioner had sought time to bring forth mitigating circumstances so that his sentence may be modified to the period already undergone. An affidavit has been filed indicating that the petitioner is 37 years of age and he is working as a labour, earning a nominal income of ₹8,000/- to ₹10,000/- per month. It is also mentioned that the petitioner has a wife and minor child to take care of.

6. It is submitted on behalf of the petitioner that the petitioner does not wish to press the challenge to his conviction, and a lenient view may be taken in sentencing on account of the aforesaid mitigating circumstances as well as the period already undergone by the petitioner. It is further submitted that the incident is of the year 2011, and no purpose would be served by subjecting the petitioner to undergo further incarceration.



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7. The State has expressed no objection to commutation of the sentence to the period already undergone by the petitioner. On being pointedly asked, it is informed that the victim did not make any further complaints against the petitioner and he has no other antecedents.

8. I have heard the counsel and perused the record.

9. At the outset, it is relevant to note that the incident dates back to the year 2011 and the petitioner has been pursuing the matter before various Courts for around fourteen years. Tribulation of pursuing the matter over a prolonged period of time is a relevant factor for commutation of sentence [Ref. ***Ramdas v. State of Madhya Pradesh : (2009) 4 SCC 57***].

10. Even though the majority of the intervening period was on account of the matter being pending in the regular list of this Court, it cannot be ignored that the petitioner had undergone a fair portion of his sentence (that is, more than four months out of one year) and he appears to have since assimilated in society. It is stated that the petitioner has a wife and minor daughter to take care, and his affidavit also indicates that he also belongs to the poor strata of society.

11. Pertinently, at the time of incident, Section 354 of the IPC did not prescribe any minimum term of imprisonment and the offence under the said provision was punishable with imprisonment up to two years, or with fine, or with both.

12. Although the legislature has since deemed it fit to prescribe a higher sentence for the offence under Section 354 of the IPC and mandate a minimum sentence of one year, in the



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facts of the present case, this Court is persuaded to take a lenient view, especially considering that no further complaint was received from the victim against the petitioner and he has not since indulged in other criminal activities.

13. It is also apposite to appreciate the reformatory aspect of sentencing is a germane consideration. Relegating the petitioner to suffer the remaining period in incarceration after more than fourteen years, when he appears to have reintegrated in society, would serve no purpose.

14. Considering the aforesaid discussion, in the opinion of this Court, interests of justice would be met if the sentence imposed upon the petitioner is reduced to the period already undergone by him.

15. In view of the above, without interfering in the conviction of the petitioner, his sentence is reduced to the imprisonment already suffered by him.

16. The bail bond and surety furnished by the petitioner stand discharged.

17. The present petition is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

DECEMBER 19, 2025

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