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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 312/2025 & CRL.M.(BAIL) 573/2025 SUSPENSION OF**
SENTENCE
NARESHAppellant

Through: Mr. Gaurav Sharma, Advocate,
DHCLSC with Ms. Sakshi Jha,
Advocate.

versus

STATE NCT OF DELHIRespondent
Through: Mr. Aman Usman, APP for State with
SI Deepa, PS-Seelampur.
Mr. Himanshu Anand Gupta,
Advocate, DHCLSC with Mr.
Shekhar Anand Gupta, Mr. Sidharth
Barua, Mr. Mike Desai, Ms. Navneet
Gaur and Mr. Anvesh Verma,
Advocates for prosecutrix.

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER
08.04.2025

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1. With the consent of learned counsel for parties, the appeal is taken up today for final disposal.
2. Mr. Gaurav Sharma, learned counsel appearing for the appellant, submits that appellant does not challenge his conviction under Section 363 IPC but challenges the sentence awarded by the trial Court in the present appeal. He states that an affidavit of the appellant in this regard has since been e-filed, however, the same is not on record. He produces the copy of



the affidavit of the appellant. The same is taken on record.

3. The appellant has been convicted under Section 363 IPC by the learned trial Court vide judgment dated 28.09.2024 and vide order dated 16.11.2024, he has been sentenced with rigorous imprisonment for seven years with fine of Rs. 5,000/- and further simple imprisonment of one month in default of payment of fine.

4. Learned counsel for appellant submits that less than one week of sentence remains to be undergone by the appellant after remission. He further states that appellant has no previous criminal antecedents and is not involved in any other criminal case. His conduct in the jail has been satisfactory and therefore, he prays that lenient view be taken and convict be released on the period of punishment already undergone by him in custody. He has also prayed that fine imposed may be reduced.

5. Learned APP appearing for the State has no objection in case the convict is released on the punishment already undergone by him in custody.

6. There is nothing on record which may indicate that the appellant has any criminal antecedents. Considering the fact that the appellant has already served almost complete the sentence, inasmuch as after revision, less than one week of sentence remains to be served by him, in my view, the appellant has already undergone sufficient punishment. Thus, in view of the totality of facts and circumstances and in the interest of justice, while sustaining the conviction, the order on sentence dated 16.11.2024 is set aside and the appellant is sentenced with imprisonment for the period already undergone by him in custody. The fine imposed is also reduced from Rs 5,000/- to Rs 500/- and in default of payment of such fine, the appellant shall undergo seven days of simple imprisonment. Upon payment of fine, the appellant



may be released, if not wanted in any other criminal case.

7. No report has been received from the Member Secretary, Delhi State Legal Services Authority with regard to the payment of entire amount of compensation to complainant. The Member Secretary, Delhi State Legal Services Authority is directed to ensure compliance of orders regards the payment of compensation to the victim.

8. The appeal along with pending application stands disposed of.

9. A copy of this order be sent to Member Secretary, Delhi State Legal Services Authority and Superintendent Jail for information and compliance.

10. A copy of this order be given *dasti* under the signatures of Court Master.

RAVINDER DUDEJA, J

APRIL 8, 2025/vd/ia