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

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+ CRL.REV.P. 120/2025

SHIVENDER KUMAR GAUR

.....Petitioner

Through: Mr. M.L. Chaudhary, Mr.
Harit Yadav and Mr.
Abhishek, Advocates.

versus

STATE OF (NCT) DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri,
APP for the State with Ms.
Divya Yadav and Mr.
Lalit Luthra, Advocates.
SI Anmol Lavish, PS
Hauz Khas.

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+ CRL.REV.P. 121/2025 & CRL.M.(BAIL) 737/2025

ANISH AHMED

.....Petitioner

Through: Mr. M.L. Chaudhary, Mr.
Harit Yadav and Mr.
Abhishek, Advocates.

versus

STATE OF (NCT) DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri,
APP for the State with Ms.
Divya Yadav and Mr.
Lalit Luthra, Advocates.
SI Anmol Lavish, PS
Hauz Khas.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

02.05.2025

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1. The present petitions are filed challenging the judgments

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Criminal Appeal Nos. 251/2023 and 253/2023 respectively.

CRL.REV.P. 120/2025 & CRL.REV.P. 121/2025

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2. By the impugned judgments, the learned Appellate Court upheld the judgment dated 18.07.2023 and order on sentence dated 26.08.2023, passed by the learned Metropolitan Magistrate, Saket Courts, New Delhi in Criminal Case No. 2032850/2016. The said judgment on conviction and order on sentence have also been challenged by the petitioners in the present petitions.

3. By the judgment dated 18.07.2023, the petitioners along with the other accused persons were convicted for the offences under Section 419 read with Section 120B of the Indian Penal Code, 1860 ('IPC'), Section 420 read with Section 120B of the IPC and Section 120B of the IPC.

4. By order on sentence dated 26.08.2023, the petitioners were sentenced as under:

- a. to undergo rigorous imprisonment for a period of three years and to pay a fine of ₹10,000/- respectively for the offence under Section 419 read with Section 120B of the IPC;
- b. to undergo rigorous imprisonment for a period of three years and to pay a fine of ₹10,000/- respectively for the offence under Section 420 read with Section 120B of the IPC;
- c. to undergo rigorous imprisonment for a period of one year and to pay a fine of ₹5,000/- respectively for the offence under Section 120B of the IPC.
- d. The sentences were directed to run concurrently.

5. The learned counsel for the petitioners, at the outset, submits that the petitioners were convicted after more than fifteen years in the year 2023. He submits that the petitioners do

not wish to challenge their conviction and he has instructions to confine his arguments to the question of sentence.

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6. He requests that a lenient view may be taken considering that the FIR was registered way back in the year 2006 and the petitioners, who belong to the poor strata of the society, have been suffering due to the proceedings since then.

7. The affidavits of the wife of the petitioner Anish and the brother of the petitioner Shivender are on record.

8. They are also present in Court in person and state that they have discussed with the respective petitioners and they do not wish to challenge the order of conviction. They request that a lenient view be taken and the sentence be reduced to the period already undergone.

9. It is pointed out that the petitioner Anish has a new born child to take care of and he is also responsible for maintaining his wife and aged mother. It is also stated that there is no other source of income in the family and the petitioner's minor son has also been keeping unwell, requiring consistent medical care and attention.

10. It is also pointed out that the petitioner Shivender also belongs to the poor strata of society and he has the responsibility of maintaining his old father, who had been living with the petitioner prior to his conviction.

11. The nominal rolls, as requisitioned, indicate that out of the total three years of sentence, the petitioner Anish has already undergone more than two years and four months in custody and the petitioner Shivender has already undergone more than two years and five months in custody.

12. The learned Additional Public Prosecutor for the State submits that he has no objection if the sentence of the petitioners

is reduced to the period already undergone by them in view of the mitigating circumstances.

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13. It is relevant to note that the subject FIR relates back to the year 2006 and the petitioners have been pursuing the matter for almost two decades before various forums.

14. As noted above, the petitioners have also undergone a substantial portion of their sentence already and merely a few months of their sentence is remaining. There is no prescribed minimum sentence for the offences under Sections 419, 420 and 120 B of the IPC.

15. It is also pertinent to note that this Court by order dated 17.04.2025, passed in CRL.REV.P.126/2025, has already reduced the sentence of co-convict Shyam Saini to the period undergone by him (that is, two years and two months), by considering that the petitioner had the responsibility of his two children and he did not have any other earning member in his family.

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

17. In view of the above, without interfering in the conviction of the petitioners, their respective sentence of three years is reduced to the imprisonment already suffered by them respectively.

18. The nominal rolls indicate that the fine amount is yet to be paid by the petitioners. Let the same be deposited within a period of four weeks from today. Let the proof of deposit of fine be submitted to the concerned Jail Superintendent.

19. The Jail Superintendent is directed to forthwith release the petitioners on the strength of the present order.

20. The petitions are disposed of with the aforesaid

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observations.

21. Pending application also stands disposed of.
22. A copy of this order be placed in both the matters.

MAY 2, 2025

AMIT MAHAJAN, J

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