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

+ **CRL.L.P. 205/2022**

STATE

.....Petitioner

Through: Ms. Richa Dhawan, APP
for the State with SI P.
Bano, PS Madhu Vihar.

versus

AKEEL AHMED & ORS.

.....Respondents

Through: Mr. Jai Sinha, Advocate,
(through VC).

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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22.08.2025

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1. The present petition is filed seeking leave to appeal against the judgment dated 30.01.2020, passed by the learned Additional Sessions Judge-04, Shahdara, Karkardooma Courts, Delhi in SC No. 56/2017, pursuant to which the respondents were acquitted in offence under Section 308 of the Indian Penal Code, 1860 ('IPC'), but were convicted for the offences under Sections 323/34 of the IPC. The respondents were sentenced to imprisonment for the period already undergone by them along with compensation of ₹10,000/- to each of the victims.

2. It is not disputed that the parties were embroiled in a property dispute. The victim and the accused persons were residing in the subject property for which the civil suit was also pending consideration.

3. The learned Trial Court noted that the incident occurred in the spur of moment and cannot be called a pre-planned or pre-meditated and therefore rightly acquitted the respondents for the

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offence under Section 308 of the IPC. To that extent, I find no infirmity in the judgment passed by the learned Trial Court.

4. The injuries suffered by the victim is also not disputed. The record indicates that the injuries though have opined to be simple in nature, but relate to lacerated wounds of about 5cm x 1 cm x 0.5 cm, 3 cm x 0.5 cm x 0.5 cm. Three victims have received lacerated wounds and various bruises. One of the victims is stated to be a woman. Thus, the injury though is stated to be simple but is serious in nature. In such circumstances, the sentence awarded for the period already undergone and compensation of ₹10,000/- to each of the victims, in the opinion of this Court, is not adequate.

5. The matter requires consideration.

6. For that limited extent, the leave to appeal is granted and the appeal be numbered as Criminal Appeal No...../2025 (to be numbered).

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

Criminal Appeal/2025 (to be numbered)

8. Reliance has been placed by the learned counsel for the respondents on the evidence of PW-9, who is the Medical Officer, Lal Bahadur Shastri Hospital, Khichripur, Delhi, where the victims were taken. PW-9 on being asked, stated that Respondent No. 1 namely– Akeel Ahmed was also injured in the incident. The injury however was found to be only an abrasion on the left frontal region of the scalp.

9. It is not disputed that the parties were involved in a property dispute where the incident took place and they were also litigating before the Civil Court, in respect of the subject property. The nature of injuries suffered by the victims as
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deposed by the Medical Officer are as under:

“On 18.11.2014, I was working as Casualty Medical Officer at LBS Hospital. On the said date, at about 11:12 pm, I medically examined injured Hansha, wife of Abdul Haquim, who was brought to hospital by ASI Hoshiyar Singh with alleged history of assault. Patient was conscious and oriented. On examination, I found clean lacerated wound about 5 cm x 1 cm x 0.5 cm over right frontal region of scalp. One more clean lacerated wound about 3 cm x 0.5 cm x 0.5 cm over left frontal region of scalp. After giving primary treatment, injured was referred to Surgery Department for further treatment. The MLC of the injured prepared by me is Ex.PW9/A (earlier Mark-B/PW7), which bears my signature and seal at point-A.

On the same day at about 11:25 pm, I medically examined Abdul Haquim, who was brought to hospital by ASI Hoshiyar Singh, with alleged history of assault. Patient was conscious and oriented. On examination, I found clean lacerated wound about 5 cm x 0.5 cm x 0.5 cm over vertex. One more clean lacerated wound about 5 cm x 0.5 cm x 0.5 cm over vertex. One more clean lacerated wound about 3 cm over right parietal region. After giving primary treatment, injured Abdul Haquim was referred to Surgery Department for further treatment. The MLC of the injured prepared by me is Ex.PW9/B (earlier Mark-C/PW7), which bears my signature and seal at point-A.

On the same day at about 11:40 pm, I medically examined Abdul Rahim, who was also brought to hospital by ASI Hoshiyar Singh, with alleged history of assault. Patient was conscious and oriented. On examination, I found clean lacerated wound about 2 cm x 0.5 cm x 1 cm left parietal region. One bruise over left side back. The patient also complained pain in left little finger. After giving primary treatment, injured Abdul Rahim was referred to Surgery Department for further treatment. The MLC of the injured prepared by me is Ex.PW9/C (earlier Mark-D/PW7), which bears my signature and seal at point-A.”

10. Though the injuries have been opined to be simple in nature by the medical officer, they assume a serious dimension, particularly in view of the fact that they have also been inflicted upon a woman and by her own family members. The injuries are stated to have been inflicted by an iron rod on the head when the victim Hansa, who is the wife of victim Abdul Haquim, tried to



save her husband, she was also beaten.

11. I concur with the view taken by the learned Trial Court in not awarding the higher imprisonment while noting the mitigating circumstances. However, considering the nature of injuries, the amount of compensation in the opinion of this Court is not adequate.

12. The accused persons have been sentenced for the period undergone by each of them, that is, Respondent No. 1 namely—Akeel Ahmed had undergone a period of 7 days and Respondent Nos. 2 and 3 namely—Shakeel Ahmed and Aleem had undergone a period of 2 days each in custody and they were only sentenced to pay a compensation of ₹10,000/- to each victim.

13. In view of the above, the present appeal is allowed and the order on sentence is enhanced to the extent that the respondents are further sentenced to pay additional compensation of ₹20,000/- to each victim.

14. The learned counsel for the respondents, on instructions from the respondents, who are present through video conferencing, states that the additional compensation amount of ₹20,000/- to each victim shall be paid by each of the respondents within a period of three weeks from today.

15. The proof of payment of additional compensation amount to the victims shall be deposited with the concerned Investigating Officer.

16. The appeal stands disposed of with the aforesaid observations.

AMIT MAHAJAN, J

AUGUST 22, 2025/DU

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