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

+ **CRL.A. 219/2022**

MUKHTAR ALI

.....Appellant

Through: Mr.Mohd Zahid and Mr.Kuldeep Singh,
Advocates

versus

STATE GNCT OF DELHI

.....Respondent

Through: Mr.Pradeep Gahalot, APP for State with
SI Nischay Bhadu

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

29.07.2025

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1. By way of the present appeal, the appellant seeks to assail the judgement of conviction dated 22.12.2021 and order on sentence dated 02.03.2022, passed by learned Principal District & Sessions Judge, East District, Karkardooma Courts, Delhi in SC/1590/16 arising out of FIR No. 455/2014 registered under Sections 308/34 IPC at P.S. Geeta Colony.

Vide the order on sentence, the appellant was directed to undergo rigorous imprisonment for a period of 2 ½ years for the offences punishable under Sections 308/34 IPC alongwith payment of fine of Rs.7,500/-, in default whereof he was directed to further undergo simple imprisonment for a period of 2 months. The benefit of Section 428 Cr.P.C. was provided to the appellant.

2. Pithily put, the prosecution's case is that the appellant, alongwith co-accused persons, in furtherance of their common intention, beat up the complainant with their fists, kicks, and a *lathi*, which resulted in injuries on



his head and other parts of his body. Charge sheet was filed by the police and charges were framed against the appellant and co-accused persons under Sections 308/34 IPC, to which they pleaded not guilty.

The victim's statement was recorded (Ex. PW-3/A) and the prosecution examined 6 witnesses in support of its case. The victim's detailed testimony as PW-3 supported the prosecution's case, and he unequivocally and categorically identified all accused persons, including the appellant herein, as they were well known to him. The MLC (Ex. PW-5/A) shows that the victim had reddish bruises/swelling on his left and right forearms, a laceration on the back side of his scalp, and swelling/bruises over his right shoulder. The MLC corroborates the testimony of victim as the injuries sustained are consistent with the nature of the assault described by him. Furthermore, the FSL report (Ex. PW-4/A) also corroborated victim's testimony as the shirt worn by him at the time of the incident was found to have bloodstains identical to his blood group. PW-3 withstood the test of cross-examination and nothing that would render his testimony bad came to light.

3. The statement of the appellant was recorded under Section 313 Cr.P.C., whereby he denied the case of the prosecution and claimed that he and the co-accused persons had been falsely implicated. However, no witness was examined by any of the accused persons to contradict the prosecution's evidence, nor was a plausible explanation provided as to why the complainant would wish to implicate the accused persons.

4. At this stage, learned counsel for the appellant, on instructions from the appellant who is present in person and duly identified by the I.O., submits that having already undergone the entire sentence and being aware



of the consequences, the appellant does not wish to press the present appeal on merits.

5. The nominal roll dated 25.07.2025 on record reflects that the appellant had already undergone the period of his sentence on the date of pronouncement of the order on sentence, i.e., 02.03.2022. The learned counsel for the appellant further submits that the fine imposed upon the appellant was duly deposited, which is found mentioned in the Trial Court's order dated 05.03.2022. In view of this, the appellant was released from jail in this case, although he was detained again in relation to another case.

6. Considering all of the aforesaid, the present appeal is disposed of as not pressed, along with pending applications, if any.

MANOJ KUMAR OHRI, J

JULY 29, 2025

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