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

+ **CRL.A. 70/2016**

CHAND

.....Appellant

Through: Mr. Praveen Kumar, Adv. with appellant in person

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

31.10.2025

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1. The present appeal has been filed under Section 374 Cr.P.C. assailing the judgment dated 02.01.2016 and the order on sentence dated 04.01.2016 passed by the learned ASJ (FTC), North-West District, Rohini Courts, Delhi, in Sessions Case No. 30/1/2015 arising out of FIR No. 338/2011, P.S. Aman Vihar, whereby the appellant was convicted for the offence punishable under Section 324 IPC and sentenced to undergo Simple Imprisonment for a period of one year with fine of Rs.10,000/-, in default whereof, to further undergo Simple Imprisonment for one month.

2. During the pendency of the present appeal, the sentence of the appellant was suspended by this Court vide order dated 22.01.2016 and he was released on bail. The appellant has remained on bail throughout the proceedings. The fine amount imposed by the Trial Court has already been deposited, as reflected from the record.



3. Briefly stated, the prosecution case is that on 03.11.2011, the complainant, Lalit (PW1), who was engaged in the business of providing cable TV services from his office situated at Bhagya Vihar, was attacked by the appellant Chand with a knife. The prosecution alleged that the appellant had borrowed a sum of Rs.5,000/- from the complainant and, when pressed for repayment, attacked him from behind with a sharp-edged weapon, causing superficial injuries to his neck and arm. The injured was taken to SGM Hospital, where he was medically examined. The appellant was thereafter arrested and the weapon of offence was recovered. Upon completion of investigation, a charge-sheet was filed. Charges were framed against the appellant on 17.04.2012 under section 324 IPC.

4. In support of its case, the prosecution examined six witnesses, including PW-1 Lalit (injured/complainant) and PW-2 Sahib Singh Dabas (father of the complainant), who deposed regarding the incident and identified the appellant as the assailant. The medical evidence was proved by Dr.Lakhwinder Kaur (PW-5), who opined that the injuries were simple and superficial in nature. The remaining police witnesses were formal witnesses who proved the seizure memos, site plan, recovery of knife, and other aspects of the investigation.

5. After completion of the prosecution evidence, the statement of the appellant was recorded under Section 313 Cr.P.C., wherein he admitted visiting the complainant's office but claimed that a scuffle had ensued, during which the complainant sustained injuries accidentally. He denied having any intention to cause harm and asserted false implication. No defence evidence was led.



6. Upon a detailed appreciation of the evidence, the Trial Court concluded that the prosecution had successfully established that the appellant had voluntarily caused simple injuries to the complainant with a sharp-edged weapon. While observing that the injuries were superficial and not life-threatening, the Court held that the element of intention to commit murder was not made out. Consequently, the charge was modified from Section 307 IPC to Section 324 IPC.

7. Upon reappraisal of the record, this Court finds no infirmity in the appreciation of evidence by the Trial Court. The testimony of the injured witness stands corroborated by medical and documentary evidence and the finding that the appellant caused simple injuries with a sharp-edged weapon is supported by the material on record. Accordingly, the conviction of the appellant under Section 324 IPC stands affirmed.

8. Pursuant to this Court's directions, the Social Investigation Report of the appellant Chand has been received from the Probation Officer, Rohini Courts, and is taken on record. As per the report, the appellant is 43 years of age, educated up to the 6th standard and presently residing with his family at Bhagya Vihar, Madanpur Dabas, Delhi. He is engaged in running a small tea stall and earns approximately Rs.20,000/- per month. The family consists of his aged parents, wife, and three children, two of whom are school-going. The family is facing economic hardship and the appellant is the sole bread-earner. The report further records that the appellant maintains a normal social disposition, and is viewed positively by his neighbours, who have described him as a person of good conduct and character. His wife has stated that he is



responsible towards his family and has been facing mental and financial hardship due to the pendency of this case since 2011. The appellant has no previous criminal antecedents or institutional record, and there is no report of involvement in any other offence. He has expressed remorse for the incident, assured that he will maintain good behaviour, and affirmed his commitment to live as a law-abiding citizen.

9. Learned counsel for the appellant, on instructions from the appellant who is present in Court and has been identified, submits that the appellant is not involved in any other case. Further, he submits that the appellant does not wish to press the appeal on merits and confines his prayer to seeking release on probation. It is submitted that the appellant has remained on bail throughout the proceedings and has duly deposited the fine amount as directed by the Trial Court. It is further submitted that the appellant is a first-time offender, has clean antecedents, it is prayed that the benefit of section 4 of the Probation of Offenders Act, 1958 be extended to him.

10. Learned APP for the State, on instructions, submits that the appellant is not found involved in any other case.

11. The underlying object of releasing offenders on probation is to facilitate their reintegration into society as law-abiding citizens, fostering self-reliance and aiding in their reformation. A testament to the importance of this provision is that the Supreme Court in Lakhvir Singh & Ors. Vs. State of Punjab & Anr., reported as **(2021) 2 SCC 763**, has extended the benefits of the Probation Act even to convicts who had not completed the mandatory minimum sentence of seven years as prescribed in Section 397 IPC, since IPC



was enacted before the Probation Act came into being. The relevant extract is reproduced hereunder:-

“16. ... A more nuanced interpretation on this aspect was given in CCE v. Bahubali¹⁵. It was opined that the Act may not apply in cases where a specific law enacted after 1958 prescribes a mandatory minimum sentence, and the law contains a non obstante clause. Thus, the benefits of the Act did not apply in case of mandatory minimum sentences prescribed by special legislation enacted after the Act.¹⁶ It is in this context, it was observed in State of M.P. v. Vikram Das⁶ that the court cannot award a sentence less than the mandatory sentence prescribed by the statute. We are of the view that the corollary to the aforesaid legal decisions ends with a conclusion that the benefit of probation under the said Act is not excluded by the provisions of the mandatory minimum sentence under Section 397 IPC, the offence in the present case. In fact, the observation made in Joginder Singh v. State of Punjab¹⁷ are in the same context.

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18. We, thus, release the appellants on probation of good conduct under Section 4 of the said Act on their completion of half the sentence and on their entering into a bond with two sureties each to ensure that they maintain peace and good behaviour for the remaining part of their sentence, failing which they can be called upon to serve that part of the sentence.”

12. Pertinently, in the present case, the offence under Section 324 IPC does not prescribe any mandatory minimum sentence. The punishment provided under this provision is flexible, leaving discretion with the Court to impose either imprisonment, fine, or both. It is well settled that the provisions of the Probation of Offenders Act, 1958 are to be read harmoniously with the provisions of the Indian Penal Code and that the benefit of probation can be extended wherever the statute does not specifically exclude its operation or prescribe a compulsory minimum punishment. In the absence of such restriction under Section 324 IPC, this Court retains full discretion to extend



the benefit of probation to the appellant if the circumstances of the case so justify.

13. It is also undisputed that the appellant has no other criminal involvement or pending case. The fine amount of Rs.10,000/-, as directed by the Trial Court, already stands paid and the receipt thereof, is on record.

14. Having regard to the nature of the offence, the minor and superficial injuries caused, the absence of any criminal antecedents, and the overall findings of the Social Investigation Report, this Court is persuaded to adopt a reformatory approach. The appellant has lived peacefully in society, has maintained a stable occupation as a small tea stall owner, and has been the sole bread-earner for his family comprising aged parents, wife, and children. The Probation Officer's report further affirms his good conduct, normal social behaviour, and positive outlook towards reformation.

15. Accordingly, while upholding the judgment of conviction and order on sentence passed by the learned Trial Court, the substantive sentence of imprisonment imposed upon the appellant is modified to the extent that he shall be released on probation of good conduct under Section 4 of the Probation of Offenders Act, 1958, upon furnishing a probation bond in the sum of Rs.10,000/- with one surety in the like amount to the satisfaction of the Trial Court within four weeks from today. The appellant shall maintain peace and good behaviour and shall not commit any offence during the period of probation.

16. The appellant shall remain under the supervision of the concerned Probation Officer for a period of six months and shall report before the



Probation Officer once every month. In case of any breach of the conditions of probation or involvement in any other offence during this period, the benefit granted under this order shall stand revoked and the appellant shall be liable to undergo the sentence as awarded by the Trial Court.

17. The appeal and all pending applications, if any, stand disposed of in the above terms.

18. A copy of this judgment be communicated to the Trial Court, the concerned Probation Officer, and the concerned Jail Superintendent for information and compliance.

MANOJ KUMAR OHRI, J

OCTOBER 31, 2025

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