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

+ CRL.A. 552/2019

STATE (GNCT OF DELHI)

.....Appellant

Through: Ms. Shubhi Gupta, APP for State
versus

SONU & ANR

.....Respondent

Through: Mr. M.R. Chanhla Adv. for respondent
Nos. 1 and 2

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **13.10.2025**

1. By way of the present appeal filed under Section 377 Cr.P.C, the State, being aggrieved by the inadequacy of the sentence imposed on the respondents by the Trial Court, seeks enhancement of the same.
2. Pertinently, the respondents faced trial in FIR No. 79/2014, under Sections 452/308/34 IPC lodged at P.S. New Usmanpur, Delhi. In brief, the case against the respondents, *Sonu and Rashid*, was that they, along with their third associate JCL 'S', in furtherance of their common intention, committed house trespass by entering House No. J-28, 3 ½ Pusta, Kartar Nagar, New Usmanpur and gave beatings to one *Parvez* and threw him down from the roof of the house.
3. They were convicted for the offences under Sections 452/323/34 IPC vide judgement dated 15.01.2019 and vide order on sentence dated 15.01.2019, they were sentenced for the period already undergone along with a fine of Rs.1,000/- (One Thousand) each, in default whereof, they were directed to undergo simple



imprisonment (SI) for three months each. Additionally, the respondents were to pay Rs. 10,000/- (Ten Thousand) each to injured as compensation under section 357 Cr.P.C. The fine and compensation was paid by the respondents.

4. Learned APP for the State submits that the sentence awarded by the Sessions Judge is grossly inadequate and the respondents must be given maximum punishment provided under sections 452/308/34 IPC. It is submitted that there are no other involvements of the respondents.

5. Sentencing is governed by principle of proportionality. A just and appropriate sentence has to be determined by giving due consideration to the facts and circumstances of each case, to ensure deterrence and correction. There has to be delicate balancing of the aggravating and the mitigating factors and the circumstances revolving around the crime, keeping in view the gravity of the offence. Any one factor, whether aggravating or mitigating, cannot by itself be determinative of the sentence. In State of MP v. Suresh (Supra), the Trial Court, while convicting the accused under Section 304(II) IPC, had awarded RI for 3 years. The Supreme Court while affirming the Trial Court decision further discussed the factors governing sentencing in the following manner: -

“13. Therefore, awarding of just and adequate punishment to the wrongdoer in case of proven crime remains a part of duty of the court. The punishment to be awarded in a case has to be commensurate with the gravity of crime as also with the relevant facts and attending circumstances. Of course, the task is of striking a delicate balance between the mitigating and aggravating circumstances. At the same time, the avowed objects of law, of protection of society and responding to the society's call for justice, need to be kept in mind while taking up the question of sentencing in any given case. In the ultimate analysis, the proportion between the crime and punishment has to be maintained while further balancing the rights of the wrongdoer as also of the



victim of the crime and the society at large. No straitjacket formula for sentencing is available but the requirement of taking a holistic view of the matter cannot be forgotten.

14. In the process of sentencing, any one factor, whether of extenuating circumstance or aggravating, cannot, by itself, be decisive of the matter. In the same sequence, we may observe that mere passage of time, by itself, cannot be a clinching factor though, in an appropriate case, it may be of some bearing, along with other relevant factors. Moreover, when certain extenuating or mitigating circumstances are suggested on behalf of the convict, the other factors relating to the nature of crime and its impact on the social order and public interest cannot be lost sight of.

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6. In the present case, the incident pertains to 2014, and when the order on sentence came to be passed, the respondents had already faced trial for about 3 years and 8 months. While *Sonu* had remained in judicial custody for about 11 days, *Rashid* had remained in judicial custody for more than one month. The accused persons were of young age and had no criminal antecedents. The injuries suffered by the victim *Parvez* were simple in nature. No other criminal involvement since being released have been brought to notice. Considering the entirety of facts and circumstances and balancing the aggravating circumstances with the mitigating factors, the discretion exercised by the trial court while sentencing does not suffer from any perversity or arbitrariness meriting interference.

7. Consequently, the present appeal is dismissed.

MANOJ KUMAR OHRI, J

OCTOBER 13, 2025/ry