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

+ CRL.A. 734/2019
VIKAS @ VICKY

.....Appellant

Through: Mr. C.M Grover, Ms. Payal Dua and
Mr. Anurag Ahluwalia alongwith
appellant in person

versus

STATE

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
with SI Pankaj Kumar, P.S. Jyoti
Nagar

+ CRL.A. 110/2020
STATE

.....Appellant

Through: Mr. Pradeep Gahalot, APP for State
with SI Pankaj Kumar, P.S. Jyoti
Nagar

versus

VIKAS @ VICKY

.....Respondent

Through: Mr. C.M Grover, Ms. Payal Dua and
Mr. Anurag Ahluwalia

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

01.09.2025

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CRL.A. 734/2019

1. By way of present appeal, the appellant seeks setting aside of the judgment of conviction dated 13.05.2019 and order on sentence dated 17.05.2019 passed by the learned Addl. Sessions Judge-01 (North-East), Special Court (POCSO Act), Karkardooma Courts, Delhi, whereby the appellant was convicted for the offence punishable under Section 363 IPC and sentenced to undergo RI for a period of 3 years along with fine of Rs.30,000/-, in default whereof he would undergo SI for 6 months. It was further directed that out of the aforesaid fine, a sum of Rs.15,000/- be paid to the victim, under Section 357(2) Cr.P.C.

2. Learned counsel for the appellant, along with the appellant in person, submits that two more accused, namely *Monu Kundu* and *Sonu*, had also faced trial; however, finding inconsistencies in the statements of witnesses and granting benefit of doubt, the Trial Court acquitted the said co-accused vide the impugned judgment.

The said acquittal was assailed before a Division Bench of this Court by the State, as well as by the complainant; however, the said challenges were dismissed vide common judgment dated 19.09.2023 passed in CRL.A. No. 1220/2019, and CRL.L.P. Nos. 106/2020 & 433/2023. A perusal of the said decision shows that the acquittal of the co-accused persons was upheld as no incriminating evidence was found against *Sonu* and as *Monu Kundu*'s name figured for the first time at the stage of recording of depositions before the Trial Court. The name of the present appellant/*Vikas @ Vicky*, on the other hand, has figured right from the very beginning.



3. After some arguments, learned counsel for the appellant, on instructions, states that the appellant, being fully aware of the consequences, does not wish to press the present appeal on merits and rather prays that he may be released on the period already undergone by him. Learned counsel submits that the appellant is 35 years old and the sole bread earner of his family, which comprises of his mother and wife. He further submits that the appellant earns his livelihood by driving a taxi. He points out that the offence took place about 14 years back and the appellant has already undergone over 2 years and 4 months of incarceration out of his total sentence of 3 years.

4. Learned APP for the State, on instructions, submits that the appellant has other involvements, of which one stands compounded and in other, he is out on bail.

5. Considering that the offence pertains to the year 2011 and the fact that the appellant has undergone more than 2 years and 4 months out of the sentence imposed, as well as the other mitigating facts noted herein, the appellant's sentence is reduced to the period already undergone.

6. Learned counsel for the appellant, on instructions, submits that the appellant will deposit the fine imposed upon him vide the impugned order on sentence within a period of 4 weeks. In case the fine is not deposited with the Trial Court within 4 weeks, the appellant shall undergo the sentence in default of payment of fine as contained in the impugned order on sentence. The Trial Court shall ensure that Rs.15,000/- out of the fine deposited is duly released to the victim.



7. The present appeal is partly allowed in the above terms.
8. A copy of this order be communicated to the Trial Court, as well as the concerned Jail Superintendent.

CRL.A. 110/2020

1. In view of the order passed in CRL.A. 734/2019, the present appeal has become infructuous and is disposed of as such.

MANOJ KUMAR OHRI, J

SEPTEMBER 1, 2025

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