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

+ **CRL.A. 325/2022**

THE STATE (NCT OF DELHI)

.....Appellant

Through: Mr. Pradeep Gahalot, APP for State
with SI Yashpal Singh PS Farsh
Bazar

versus

RAJENDER KUMAR

.....Respondent

Through: Ms. Tanya Agarwal and Mr. Krishna
Kumar Keshav, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **17.11.2025**

1. The present appeal filed under Section 377 Cr.P.C seeking enhancement of sentence.
2. It is directed against the Judgment dated 17.03.2020 and Order on Sentence dated 17.08.2020 passed by the learned Metropolitan Magistrate (Mahila Court-01), East District, in FIR No. 148/2009 registered at PS Farsh Bazar, whereby the respondent was convicted for the offences under Sections 326, 354 and 506 IPC, and the Order dated 21.10.2020 passed by the learned ASJ-02, Shahdara, whereby, while upholding the conviction, the substantive sentence was modified by extending the respondent the benefit of probation for a period of two years. The Trial Court, vide Order on Sentence dated 17.08.2020, sentenced the respondent to one year's simple



imprisonment each for the offences under Sections 326, 354 and 506 IPC, along with a fine of Rs. 10,000/- for the offence under Section 326 IPC and a default sentence of one month's simple imprisonment, directing all sentences to run concurrently. In the respondent's appeal, the Sessions Court, by its Order dated 21.10.2020, while not interfering with the findings of conviction, released him on probation for two years, he was additionally directed to deposit Rs. 15,000/- as compensation with the DSLSA.

3. The narration of facts as recorded in the impugned judgment reflects that the complainant/injured, Pushpa Tiwari, working as a Library Information Assistant at the Delhi Public Library, alleged that on 18.08.2009, the respondent entered her cabin armed with a '*darati*' type weapon. He abused her, attacked her causing injuries to both her hands, tore her blouse and threatened to kill her. The material on record further indicates that the respondent harboured resentment against the complainant owing to an earlier complaint made by her, which had resulted in departmental inquiry against him.

4. While passing the impugned judgment, the Sessions Court noted certain mitigating circumstances, including the respondent's age, the period undergone by him, the fact that he had already been reinstated in service in July 2011, had remained in continuous employment thereafter, and had no other antecedents. The Sessions Court also took note of the fact that a probation report was called by the trial court, and upon perusal of the same, deemed it appropriate to extend the benefit of probation for a period of two years, subject to the respondent executing a bond and depositing compensation of Rs.15,000/-. It is relevant to note that, at the time of the incident of the year 2009, none of the offences for which the respondent stood convicted



prescribed any mandatory minimum sentence. The Sessions Court, therefore, exercised discretion to modify the sentence imposed by the Trial Court, on account of the respondent's age which was around 52 years, reinstatement into service, period of custody and the lapse of considerable time as the offence took place in the year 2009.

5. I have also examined the medical records. Although the conviction includes Section 326 IPC, and the injuries have been opined as grievous, the reasoning for declaring them grievous, however, is not convincing. Since the respondent has not assailed the conviction, it is not necessary to enter into that aspect for the purposes of the present proceedings.

6. This Court in the light of the decision in Kanwar Pal Singh Gill Vs. State, reported as **(2005) 6 SCC 161**, wherein the Supreme Court upheld the grant of probation to an individual convicted under Sections 354 and 506 IPC finds no ground to interfere with the same.

7. In view of the above, the appeal is dismissed.

MANOJ KUMAR OHRI, J

NOVEMBER 17, 2025

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