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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.A. 156/2016
NIHAL AHMEDAppellant
Through: Mr. Monu Singh, Advocate

versus

STATE (NCT OF DELHI)Respondent
Through: Mr. Pradeep Gahalot, APP for State

+ CRL.A. 170/2016
HARJEET SINGH @ POPIAppellant
Through: Mr.Devendra Dedha, Advocate

versus

STATE (NCT OF DELHI)Respondent
Through: Mr. Pradeep Gahalot, APP for State

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
26.09.2025

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1. The present appeal has been filed under Section 374 Cr.P.C. by the appellants assailing the judgment dated 12.01.2016 and order on sentence dated 19.01.2016 passed by ASJ-03, Karkardooma Courts, Delhi in Sessions Case No. 193/2014 arising out of FIR No.356/2014 registered at P.S. Gandhi Nagar under sections 307/34 IPC.

The appellants were convicted for the offences punishable under Sections 324/34 IPC and sentenced to undergo rigorous imprisonment for 2 years with fine of Rs. 5,000/- each, in default whereof, they were directed to undergo 2 months simple imprisonment. The benefit of Section 428 CrPC



was granted to the appellants.

The sentence of appellants was suspended during the pendency of the present appeal by this court vide order dated 10.03.2016.

2. In support of its case, the prosecution examined 19 witnesses. The material witness includes the complainant, who was examined as PW-1. He deposed that on 06.06.2014, while he was on his way to Karkardooma Court to attend a case in which both he and appellant/*Nihal* were involved, he was attacked near Gali No.12, Gaghubar Pura No.11, near a Puri shop. Appellant/*Nihal*, along with his associates, Appellant/*Harjeet*, *Vipin*, *Nitin Pahalwan*, and *Rajesh @ Bobby*. PW-2 was struck first with a fist on his face, causing him to fall along with his motorcycle. Thereafter, Appellant/*Nihal* and Appellant/*Harjeet Singh* began stabbing him with knives, while the others restrained him. The victim further deposed that when he attempted to raise an alarm, Harjeet Singh instructed Nihal not to waste time and to kill him, following which they all inflicted further stab injuries and subsequently fled the scene.

In the Appellant's statements recorded under Section 313 Cr.P.C., the appellants denied all incriminating evidence and claimed false implication. Appellant/*Nihal* examined two witnesses in his defence. *Gulshan*, wife of the appellant/*Nihal* was examined as DW-1, who deposed that the appellant/*Nihal* was unwell since the night of 05.06.2014 and remained home until the evening of 06.06.2014. It was their defence that the complainant had a grudge against them, as the appellant/*Nihal* started maintaining distance with the complainant as he got involved in a criminal case and he was pressurising him into withholding evidence in a murder case but the appellant/*Nihal* refused to do so, and the appellant/*Harjeet*



Singh was implicated as he was a friend of Appellant/*Nihal*.

3. A perusal of the record indicates that the testimony of the complainant remains consistent, cogent and inspires confidence, the appellants were identified in court, and the testimony stands duly corroborated by both medical and forensic evidence on record. The MLC clearly records that the complainant sustained multiple injuries, which were opined to be simple in nature. Significantly, these injuries were located primarily on the thighs and hips and not on any vital part of the body. Their intention was to injure the complainant and not to kill him due to which charges under section 307/34 were not made out. Further corroboration emerges from the FSL report, as blood was detected on the concrete material seized from the spot of incident. In addition, the complainant's clothes were found stained with blood, and the blood group matched which supports the prosecution's case. The instrument used to stab the appellant was a knife. Even otherwise, the material produced, keeping in mind, concurs with the findings of the trial court and finds no grounds to interfere with the same are made out. Consequently, the conviction of the appellants is upheld qua the offence under section 324/34 IPC.

4. At this stage, learned counsels appearing for the appellants states, upon instructions, that the appellants do not wish to press the present appeal on merits and pray that they be released on the period already undergone by them. Reliance is further placed on the following extract of decision by Supreme Court in Sonadhar Vs. State of Chhattisgarh, reported as **2021 SCC OnLine SC 3682**:

"28. We thus issue the following directions:

a) A similar exercise be undertaken by the High Court Legal Services Committee of different High Courts so that convicts represented by legal



aid Advocates do not suffer due to delay in hearing of the appeals. NALSA will circulate this order to the concerned authority and monitor the exercise to be carried on.

b) The Delhi High Court Legal Services Committee would take up the cases of those convicts who have undergone more than half the sentence in case of fixed term sentences and examine the feasibility of filing bail applications before the High Court, while in case of 'life sentence' cases, such an exercise may be undertaken where eight years of actual custody has been undergone.

c) We are of the view that in fixed term sentence cases, an endeavor be made, at least as a pilot project, in these two High Courts to get in touch with the convicts and find out whether they are willing to accept their infractions and agree to disposal of the appeals on the basis of sentence undergone.

d) A similar exercise can be undertaken even in respect of 'life sentence' cases where the sentenced persons are entitled to remission of the remaining sentence i.e., whether they would still like to contest the appeals or the remission of sentence would be acceptable to such of the convicts."

5. The appellant/*Nihal*, is aged about 44 years, stated to be the sole breadwinner of his family, which comprises of his wife and three minor children. The appellant/*Harjeet*, is aged about 52 years, is also the sole breadwinner of his family, which includes his wife, two children, and aged parents suffering from ailments. Learned counsel for the appellant *Nihal* submits, on instructions, that the appellants undertake to deposit the fine within 4 weeks, if not already paid. The appellant *Harjeet* has already paid the fine.

6. Learned APP for the State, on instructions, submits that as per the nominal roll, both the appellants are involved in a case arising out of the FIR No. 368/2014 u/s 307/34IPC and 35 Arms Act and are stated to be currently out on bail.



7. The appellants have faced trial since the year 2014. As per the nominal roll dated 24.09.2025, the appellant/*Nihal* has undergone about 1 year, 6 months and 25 days of incarceration as on 17.03.2016. As per the nominal roll dated 25.09.2025, the Appellant/*Harjeet* has undergone 1 year, 3 months and 19 days as on 18.03.2016.

Keeping in view the facts and circumstances noted hereinabove as well as decision in *Sonadhar* (Supra), the substantive sentences of the appellants in the present appeals are hereby modified to the periods already undergone by them. The sentence of fine however, shall remain as it is.

8. In case the appellant-Nihal has not paid the fine already, he shall pay the fine imposed upon him within a period of 4 weeks before the Trial Court, failing which he will undergo the default sentence.

9. The present appeals are partly allowed and disposed of in the above terms.

10. A copy of this order be communicated to the concerned Jail Superintendent as well as to the Trial Court for information and necessary compliance.

MANOJ KUMAR OHRI, J

SEPTEMBER 26, 2025

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