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

+ **CRL.A. 661/2025 & CRL.M.A. 14906/2025,**
CRL.M.(BAIL) 1069/2025

SONU CHAUDHARY

.....Appellant

Through: Mr. Ajay Verma & Ms.
Bhoomika Uppal, Advs.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Kiran Bairwa, APP
for the State.

SI Bharat Singh, PS Uttam
Nagar.

Complainant in person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

28.05.2025

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1. The present appeal is filed challenging the judgment on conviction dated 04.03.2025 (hereafter '**impugned judgment**') and order on sentence dated 06.03.2025 (hereafter '**impugned order on sentence**') passed by the learned Additional Sessions Judge ('ASJ') in SC No. 56174/2016 arising out of FIR No. 109/2010, registered at Police Station Uttam Nagar.

2. By the impugned judgment, the learned ASJ convicted the accused persons including the appellant for the offences under Sections 377/367/342/323/34 of the Indian Penal Code, 1860 ('**IPC**'). The appellant was also convicted for the offence under Section 174A of the IPC.

3. By the impugned order on sentence, the learned ASJ sentenced the appellant to undergo rigorous imprisonment for a period of 10 years and to pay a fine of ₹50,000, and in default to undergo simple imprisonment for a period of three months for

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the offence under Sections 377/34 of the IPC. The appellant was also sentenced to undergo rigorous imprisonment for a period of 7 years and to pay a fine of ₹25,000/-, and in default to undergo simple imprisonment for a period of two months for the offence under Sections 367/34 of the IPC. For the offence under Sections 342/34 of the IPC, the appellant was sentenced to undergo rigorous imprisonment for a period of 6 months. For the offence under Sections 323/34 of the IPC, the appellant was sentenced to undergo rigorous imprisonment for a period of 6 months. The appellant was further sentenced to undergo rigorous imprisonment for a period of 3 years and to pay a fine for a sum of ₹25,000/-, and in default to undergo simple imprisonment for a period of two months for the offence under Section 174A of the IPC. All the sentences were directed to run concurrently.

4. Briefly stated, on 05.04.2010 at about 6:45 AM, the appellant along with co-accused Sachin Sharma committed unnatural sex with the victim and also illegally confined him in a garage and inflicted simple injuries on him.

5. The learned counsel for the appellant, at the outset, submits that the appellant does not wish to press the challenge to the impugned judgment, and will be satisfied if the sentence of the appellant is commuted to the period already undergone by him.

6. He submits that the appellant has already spent almost 9 years in custody out of the total awarded sentence of 10 years. He submits that the subject FIR was registered in the year 2010 when the appellant was a young man of 20 years. He submits that the offence for which the appellant has been convicted does not prescribe any minimum sentence. He submits that a lenient view



be taken considering the fact that the appellant has already undergone a substantial portion of the total awarded sentence. He submits that no purpose would be served by subjecting the appellant to undergo the remaining period in custody.

7. The victim is also present in the Court and states that he has no serious objection if the appellant is sentenced for the period already undergone.

8. The learned Additional Public Prosecutor for the State submits that considering the mitigating circumstances, the State has no objection if the sentence of the appellant is commuted to the period already undergone.

9. It is pertinent to note that in the case of ***Munna Gupta v. The State of Chhattisgarh : Criminal Appeal No. 717/2011***, where in a case involving conviction under Section 395 of the IPC, the Hon'ble Apex Court had commuted the sentence of ten years to the period already undergone by the appellant, that is, 7 years, by factoring in the time already undergone and that there is no minimum sentence for the offence under Section 395 of the IPC.

10. In the present case as well, it is relevant to note that the incident dates back to the year 2010, and the appellant has been pursuing the matter for over fifteen years. As pointed out, the appellant at the time of the incident was a young individual.

11. The appellant has evidently already undergone a substantial portion of his sentence. As noted above, the appellant has been pursuing the matter for over fifteen years.

12. At this juncture, this Court deems it apposite to note that the reformatory purpose of sentencing as well. In the opinion of this Court, interests of justice would be met if the sentence



imposed upon the appellant is reduced to the period already undergone by him.

13. In view of the above, without interfering in the conviction of the appellant, the sentence of ten years is reduced to the imprisonment already suffered by the appellant.

14. It is submitted that the fine amount is yet to be paid by the appellant.

15. Let the fine amount be deposited within a period of two months from date.

16. Let the proof of deposit of fine amount be submitted with the concerned SHO.

17. The appellant, if in custody, is directed to be released forthwith.

18. At this juncture, the victim states that no amount of compensation has been received by him till date. The learned Trial Court, by the impugned order on sentence, had directed the DLSA to provide adequate compensation to the victim.

19. Mr. Rohan Alva, Advocate (9810365703), who is present in the Court, is requested to personally assist the victim in that regard.

20. The Honorary Secretary, DLSA is directed to make endeavours to pass an appropriate order providing compensation to the victim within a period of four weeks and provide information to Mr. Alva in that regard.

21. The present appeal is disposed of in the aforesaid terms. Pending applications also stand disposed of.

AMIT MAHAJAN, J

MAY 28, 2025

“SK”

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