



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

% Date of Decision: 25.08.2025

+ **CRL.A. 610/2023**

SMT LAJWANTI LAJJO & ORSAppellants
Through: Mr. Prashant Diwan, Advocate

versus

STATE GOVT OFNCT DELHIRespondent
Through: Mr. Pradeep Gahalot, APP for State with
Insp. Sanjay Kumar

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. By way of the present appeal filed under Section 374 Cr.P.C., the appellants seek to assail the judgment of conviction dated 13.12.2022 passed by the Ld. ASJ in SC No. 348/2018 arising out of FIR No.712/2013 registered under Sections 452/324/427/506/34 IPC at P.S. Sultanpuri, Delhi, whereby the appellants were convicted for offences under Section 452/323/324/427 IPC.

Vide order on sentence dated 10.07.2023, the appellants were sentenced to undergo RI for one and three months for the offence under Sections 323 and 324 IPC, respectively. The appellants were further sentenced to undergo sentenced to RI for three months for the offence under Section 427. The appellants were further sentenced to undergo RI for one year and a fine of Rs. 10,000/- for the offence under section 452 IPC, in default of payment of the fine, they shall undergo imprisonment for two



months. All the sentences were directed to run concurrently and benefit under Section 428 CrPC was also granted to the appellants.

The sentence of the appellants *Lajwanti @ Lajjo, Sunil and Rinku* was suspended vide order dated 15.02.2024, and appellant *Satish's* was suspended vide order dated 28.02.2024.

2. The facts, in a nutshell, as revealed from the testimony of the injured *Kuldeep* (PW-5) and as noted by the Trial Court are extracted hereunder:

“Injured Kuldeep entered the witness box on 28.03.2019 as PW5. He has stated in his Court statement that on 03.11.2013, at about 9.30 pm, he had returned to his house alongwith his brother Shakti PW8 on his motorcycle bearing No. 5430 Honda CBR. Accused Lajjo and Satish who are their neighbours, were standing in front of their house. On seeing the witness, they started abusing them. Kuldeep PWS and his brother Shakti PW8 ignored the behavior of accused Lajjo and Satish and went inside their house.

After sometime, accused Lajjo, Satish, Rinku and Sunil entered the house of the witness forcefully. At that time, Rinku and Sunil were carrying knives in their hands. After entering their house, they started beating PW5 and his family members. Accused Sunil gave knife blows on the head of PW5, as a result, he fell down and thereafter, the accused gave repeated blows on his leg. Santosh PW5, mother of PW5 interfered to rescue him but accused Lajjo gave kicks and fists blows to Santosh PW6 also. They raised alarm on which public persons gathered outside their house. Thereafter, accused persons left their house. While returning, accused persons also damaged a motorcycle stationed outside their house. While leaving the house, accused persons also threatened with dire consequences. Further stated that accused Lajwanti was arrested on 06.11.2013 vide memo Ex. PW5/B. This witness also identified the motorcycle through its photographs which are collectively Ex. P1 to P12.”

3. During the trial, in total, 12 prosecution witnesses were examined. Injured *Kuldeep*, was examined as PW-5. PW-8, *Shakti* (brother of PW-5) and PW-6, *Santosh* (mother of PW-5) were also eyewitnesses to the incident, deposed on the similar lines as PW-5. The rest of the witnesses



were formal witnesses who deposed about various aspects of the investigation. In defence, the statements of the appellants were recorded under section 313 CrPC, wherein they denied the prosecution case, and stated that they had been falsely implicated.

4. Learned counsel for the appellants submits that the appellants are innocent and have been falsely implicated in the present case, as there are two FIRs pending against the complainant/injured, which were initiated at the instance of the appellants and the complainant/injured wanted to pressurise the appellants to withdraw those criminal proceedings. It is further contended that there are variations as well as contradictions in the testimonies of the eyewitnesses while narrating the factual aspects of the incident. Further, the alleged knife used in the commission of the offence was not recovered.

5. Learned APP for the State defends the impugned judgment and submits that all the eyewitnesses have supported the case of the prosecution and attributed clear and specific roles to the appellants. It is further submitted that the testimonies are further corroborated by the medical evidence recorded during the investigation, and minor contradictions in the testimony of the witnesses will not be fatal to the case of prosecution.

6. A perusal of the testimonies of the eyewitnesses reveals that on the day of the incident, appellants, namely, *Lajjo*, *Satish*, *Rinku* and *Sunil*, entered the house of the witnesses forcefully. At that time, appellants *Rinku* and *Sunil* were carrying knives in their hands, and after entering the house, they started beating PW5 and his family members. It is further stated that the appellant *Sunil* gave a knife blow to the head and knee of the injured *Kuldeep* (PW5). When *Santosh* (PW-6), the mother of PW-5, interfered to



rescue him, the appellant *Lajjo* again gave kicks and fist blows to PW-6. The reporting of the incident without any delay, as recorded vide DD No.55B (Ex. PW-1/1) and MLC (Ex. PW10/A and Ex. PW10/B), that the injured persons were admitted to the hospital within one hour of the alleged incident, further corroborates the case of the prosecution. The injuries suffered by the injured stood proved through the MLC. It is well-settled law that minor contradictions in the testimony of the witnesses can be ignored in light of the other corroborating evidence.

7. At this stage, learned counsel for the appellants, on instructions from the appellants, states that the appellants, being fully aware of the consequences, do not wish to challenge their conviction under the aforesaid sections, however pray that the sentence awarded to them be modified to the period already undergone by them.

8. Even otherwise, this Court, considering that PW-5/ injured *Kuldeep*, PW-8, *Shakti* and PW-6, *Santosh* have categorically deposed that appellants had assaulted them and inflicted injuries with a knife to the injured *Kuldeep*, concurs with the findings of the Trial Court and finds that no grounds to interfere with the same are made out. Consequently, the conviction of the appellants under Section 452/323/324/427 IPC is upheld.

9. The learned APP, on instructions from the concerned I.O., states that the appellants are involved in other cases, details of which are placed on record.

10. The nominal roll of the appellant/*Lajwanti@Lajjo* indicates that she has undergone nearly 29 days and her unexpired portion of the sentence as on 04.09.2023 was 11 months and 01 day, who was working as *Chakkar Sahayak*. The nominal roll of the appellant/*Sunil* indicates that he has



undergone nearly 26 days, the appellant/*Satish* has undergone nearly 27 days and appellant/*Rinku* indicates that he has undergone nearly 24 days. All the appellants are working as Factory *Sahyak*, and their jail conduct was found to be satisfactory.

11. Considering the aforesaid, this Court is, therefore, of the opinion that the ends of justice would be met if the sentence awarded to the appellants is reduced to the period already undergone. However, the sentence of fine imposed by the Trial Court, as well as the default sentence in case of non-payment, shall stand maintained.

12. The appeal is partly allowed to the aforesaid extent, subject to the deposit of the fine amount as directed by the Trial Court to be released to the victim as compensation.

13. A copy of this order be communicated to the concerned Jail Superintendent as well as the trial court.

**MANOJ KUMAR OHRI
(JUDGE)**

AUGUST 25, 2025

rj