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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 938/2023**
THE STATE GOVT. OF N. C. T. DELHI

.....Appellant

Through: Mr. Yudhvirsingh Chauhan, APP
SI Satish Kumar, PS Bara Hindu Rao

versus

IRFAN & ORS.

.....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

13.02.2025

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1. This is an appeal seeking setting aside of the impugned common order of conviction and sentence dated 02.12.2021 passed by the learned ACMM-2, (Central) Tis Hazari Courts, Delhi in CIS No.287766/16 No.440225/2016 titled as 'State v. Irfan and Ors.' in FIR No. 18/2014, dated 09.02.2014 lodged at Police Station: Bara Hindu Rao under Section 11 (1) of Prevention of Cruelty to Animals Act, 1960 ("**PC Act**"), under Sections 5/12 of Delhi Agricultural Cattle Prevention Act ("**DACP Act**") and enhanced the sentence awarded to the accused/respondents for the aforesaid offences.
2. Learned Trial Court, *vide* order dated 02.12.2021, convicted the respondents Irfan, Naseem and Arif for offence under Sections 11 of PC Act and sections 5/12 of DACP Act. *Vide* order on sentence dated 02.12.2021, all three respondents were sentenced to pay fine of Rs.11,000/- each or one month SI in default of payment of fine for the



offence under Section 11 of PC Act and Sections 5/12 of DACP Act.

3. As per the FIR, the allegations against respondents were of transporting bulls in their trucks in a cruel manner. The trucks were seized and each truck had about 20 to 25 bull and oxen. Hence, the case was registered under Sections 11(1) of PC Act, Section 429 of IPC and Sections 5/12 of DACP Act.
4. Subsequently, the charges were framed under Sections 11(1) of PC Act, under Sections 5/12 of DACP Act.
5. Since the respondents pleaded guilty, they were convicted for offences punishable under Section 11(1) of PC Act, under Sections 5/12 of DACP Act. While deciding the sentence, the learned Trial Court was of the view that all the 3 respondents belonged to poor strata of the society and were the sole bread earner of the family and the respondents had already suffered the rigors of trial for the last 8 years. Hence, the learned Trial Court sentenced all the 3 respondents for payment of Rs. 11,000/- and in default, simple imprisonment for a period of 1 month.
6. Learned APP states that the sentences imposed on the respondents should be enhanced and be given the maximum punishment as prescribed under the aforementioned sections.
7. The Hon'ble Supreme Court in ***Bed Raj v. State of U.P., 1955 SCC OnLine SC 70*** has observed as under:-

“4. Now, though no limitation has been placed on the High Court's power to enhance, it is nevertheless a judicial act and, like all judicial acts involving an exercise of discretion, must be exercised along well-known judicial lines. The only question before us is whether those lines have been



observed in the present case.

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15. A question of a sentence is a matter of discretion and it is well settled that when discretion has been properly exercised along accepted judicial lines, an appellate court should not interfere to the detriment of an accused person except for very strong reasons which must be disclosed on the face of the judgment; see for example, the observations in Dalip Singh v. State of Punjab [(1953) 2 SCC 36 : 1954 SCR 145 at 156] and Nar Singh v. State of Uttar Pradesh [(1955) 1 SCR 238 at 241] . In a matter of enhancement there should not be interference when the sentence passed imposes substantial punishment. Interference is only called for when it is manifestly inadequate. In our opinion, these principles have not been observed. It is impossible to hold in the circumstances described that the Sessions Judge did not impose a substantial sentence, and no adequate reason has been assigned by the learned High Court Judges for considering the sentence manifestly inadequate. In the circumstances, bearing all the considerations of this case in mind, we are of opinion that the appeal (which is limited to the question of sentence) should be allowed and that the sentence imposed by the High Court should be set aside and that of the Sessions Court restored. Ordered accordingly.”

- 8.** On perusal, a question of sentence is a matter of discretion exercised by the learned Trial Court and when such discretion has been exercised



properly and within the accepted judicial principles, this Court in appellate jurisdiction should not interfere to the detriment of an accused person except for very strong reasons which must be disclosed on the face of the judgment.

9. In the present case, the offence is of the year 2014 and more than 10 years have elapsed. Admittedly, the respondents belong to poor strata of the society and are truck drivers. They are the sole bread earners of their families and, additionally, have no other criminal antecedents.
10. Further, there is no other FIR registered against any of the respondents on any offence much less similar offence in the intervening 10 years.
11. I am informed that the respondents have already paid the fine.
12. For the said reasons, I see no infirmity in the order of sentence passed by the learned Trial Court and in this view, the appeal is accordingly, dismissed.
13. Pending applications, if any, are disposed of.

JASMEET SINGH, J

FEBRUARY 13, 2025 / (MS)

[Click here to check corrigendum, if any](#)