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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 1402/2019**

STATE

.....Appellant

Through: Ms. Shubhi Gupta, APP for State with
SI Shubhanshu, P.S. Kalyanpuri.

versus

VISHAL & ORS.

.....Respondents

Through: Mr. B.S. Jakhar, Mr. Vikram Singh
Jakhar, Mr. Neeraj Jakhar, Ms.
Bhawna Jakhar, Ms. Nidhi Jakhar,
Mr. Shubham Dabas, Mr. Viraj
Rathree and Mr. Kashish Aggarwal,
Advocates for R-1, R-2, R-4 & R-5.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

23.07.2025

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1. By way of present appeal filed under Section 377(1) Cr.P.C., the State/appellant has sought setting aside of the order on sentence dated 26.08.2019 passed by Ld. ASJ-03, (East) Karkardooma Court, Delhi in SC No. 3338/2018 arising out of FIR No. 1029/2015 registered under Sections 308/323/34 IPC at P.S. Kalyan Puri.

2. Ms. Gupta, learned APP for the State, submits that the charge-sheet was filed under the aforesaid sections, however, the respondents were convicted only under Sections 323/34 IPC. She further submits that the injured persons, namely *Sonu* and *Sarvesh*, appeared as PW1 and PW4



respectively; the parties were already known to each other and were duly identified. She further submits that the role ascribed to the present respondents was duly established on which basis the judgment of conviction was passed. She submits that despite the aforesaid, substantive sentence of only TRC was imposed, along with imposition of a fine of Rs.1,000/- and Rs.10,000/- towards litigation expenses. She however states that the injuries were opined to be simple in nature. Learned APP further submits that the judgment of conviction has remained unassailed and has attained finality. It was stated that the State/appellant has preferred leave petitions against the respondents' acquittal under Section 308 Cr.P.C., however the same were dismissed.

3. Learned counsel for the respondents states that the respondents have not challenged their conviction, however, they contend that the sentence of TRC not be interfered with, as the incident had taken place 10 years back. He further submits that respondents are not involved in any other case and are now gainfully employed in their respective jobs. On instructions, the learned counsel for the respondents submits that the fine of Rs.1,000/- alongwith Rs.10,000/- towards litigation expenses, as directed by the Trial Court, have already been deposited by each of the respondents. He further submits that respondent/*Vishal*'s sister has also instituted an FIR bearing No. 1032/2015 under Sections 354/354B IPC against the present complainant. On a specific query, learned APP for the State on the instructions of SI Shubhanshu, P.S. Kalyanpuri, states that the respondents are not found involved in any other case.

4. Considering that incident took place in the year 2015, the injuries received by the injured were opined to be simple in nature and that challenge



to respondents' acquittal under Section 308 IPC having failed, the present appeal is disposed of with the direction that each of the respondents shall deposit a further sum of Rs.10,000/- with the Trial Court within four weeks from today, which, along with the earlier fine of Rs.1,000/- deposited by the each of the respondents, be disbursed by the Trial Court to the injured persons in equal proportion.

Order Dasti

MANOJ KUMAR OHRI, J

JULY 23, 2025

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