



2025:DHC:11920



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: December 22, 2025

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**CRL.REV.P. 282/2025 & CRL.M.A. 21583/2025,
CRL.M.(BAIL) 1595/2025**

ANIL KUMAR

.....Petitioner

Through: Mr. Amit Sharma,
Advocate along with
petitioner in person.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Raj Kumar, APP for
the State with SI Vikram,
PS Timarpur.
Complainant in person.
Mr. Manish in person
(through VC).**CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. The present petition is filed under Section 397/401 of the Code of Criminal Procedure, 1973 ('CrPC') against judgment dated 15.04.2025 (hereafter, '**impugned judgment**'), passed by the learned Additional Sessions Judge ('ASJ'), Tis Hazari Courts, Delhi in CA No. 238/2023.

2. Briefly stated, it is alleged that on 19.07.2017, the complainant/Manish and his roommate, namely Arvind, were returning to their rented accommodation and parked their bike in front of the said accommodation. It is alleged that the petitioner/Anil Kumar and another person were present at the spot and as the complainant and his roommate were going





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towards their room, the petitioner abused them and told them not to park their bike there. It is alleged as the complainant kept moving, the petitioner along with his companion came from behind and pulled him back. It is alleged that a string (*rassi*) was put around the neck of the complainant and he was pulled down to the ground. It is alleged that thereafter the petitioner along with his companions gave beatings to the complainant using bricks and *danda*. It is alleged that when Arvind tried to intervene to save the complainant, the petitioner and his companions started beating him as well. It is alleged that the complainant was given blows with a sharp edged weapon/rod on his back. It is alleged that the complainant somehow managed to escape from the spot, pursuant to which the petitioner and his companions tried to search for the complainant and hurled threats at him.

3. The learned Magistrate convicted the petitioner for the offences under Sections 324/341/506(I)/34 of the Indian Penal Code, 1860 ('**IPC**') *vide* order dated 20.04.2023. The learned Magistrate *vide* order dated 19.08.2023 sentenced the petitioner to undergo simple imprisonment for a period of 1 year for the offence under Section 324 of the IPC; simple imprisonment for a period of 1 month for the offence under Section 341 of the IPC; simple imprisonment for a period of 6 months for the offence under Section 506(I) of the IPC and directed all such substantive sentence to be run concurrently with the petitioner being entitled for the benefit under Section 428 of the CrPC. Moreover, the



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petitioner was directed to deposit a sum of ₹7,208/- towards prosecution expenses and ₹5,000 each to the victims.

4. Aggrieved by the aforesaid orders the petitioner preferred an appeal before the learned Sessions Court which was dismissed *vide* the impugned order.

5. The order on sentence was suspended by this Court *vide* order dated 25.08.2025 upon petitioner furnishing a personal bond for a sum of ₹20,000/- with one surety of the like amount.

6. The learned counsel for the petitioner submits that the petitioner is not challenging his conviction under Section 324/341/506(I)/34 of the IPC. He submits that the petitioner is willing to pay compensation of ₹50,000/- to both the victims and prays that the petitioner be released on probation.

7. He submits that the petitioner belongs to the poor strata of society and is engaged as a daily wage worker with a monthly income of ₹10,000/- only. He submits that the petitioner is the sole bread earner of his family and has three minor children.

8. He submits that the petitioner has no antecedents and has never been involved in any criminal case.

9. One of the victims is present in the Court and the other victim has joined through video conferencing. They state that they are satisfied with the compensation offered by the petitioner.

10. The learned Additional Public Prosecutor for the State submits that considering the mitigating circumstances, the State has no objection if the petitioner is released on probation.

11. The powers conferred upon Courts under Sections 3 and 4



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of the Probation of Offenders Act, 1958 are discretionary in nature and are to be exercised keeping in mind the character of the offender, the nature of the offence, and the overall circumstances of the case.

12. The Hon'ble Apex Court in the case of ***Lakhvir Singh v. State of Punjab : 2021 SCC OnLine SC 25*** has emphasised the object of the Probation of Offenders Act as reproduced below:

"6. We may notice that the Statement of Objects and Reasons of the said Act explains the rationale for the enactment and its amendments : to give the benefit of release of offenders on probation of good conduct instead of sentencing them to imprisonment. Thus, increasing emphasis on the reformation and rehabilitation of offenders as useful and self-reliant members of society without subjecting them to the deleterious effects of jail life is what is sought to be subserved."

13. The main object to grant probation to the offenders is to facilitate their reintegration into the society and aiding in their reformation after considering the overall circumstances.

14. The petitioner is a person of clean antecedents and belongs to humble strata of society. He has three minor children and is the sole bread earner of his family. The petitioner is willing to compensate the victims and the victims are satisfied with the proposed compensation.

15. Accordingly noting the mitigating circumstances, while maintaining the conviction of the petitioner for the offences under Sections 324/341/506(I)/34 of the IPC, the sentence awarded to the petitioner is modified to the extent that the petitioner is directed to be released on probation on the strength of the bonds furnished by petitioner pursuant to order dated



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25.08.2025. The petitioner is further directed to pay compensation to both the victims of ₹50,000/- each within a period of six weeks.

16. The appellant shall remain under the supervision of the Probation Officer concerned for a period of one (01) year, and shall report before the Probation Officer once every month. It is made clear that in the event of any breach of the conditions of probation or involvement in any other offence during this period, the benefit granted under this order shall stand revoked, and the petitioner shall be liable to undergo the remaining portion of the substantive sentence as awarded by the learned Trial Court.

17. The present petition is disposed of in the aforesaid terms. Pending applications also stand disposed of.

18. A copy of the order be communicated to the Trial Court, the concerned Jail Superintendent, and the concerned Probation Officer, for information and necessary compliance.

AMIT MAHAJAN, J

DECEMBER 22, 2025

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