



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

% Reserved on : 19.08.2025
Pronounced on : 21.08.2025

+ **CRL.A. 767/2024**

NEERAJ @ KUPPAAppellant
Through: Ms. Inderjeet Sidhu, Advocate
(DHCLSC).
Versus

THE STATE GOVT OF NCT DELHIRespondent
Through: Mr. Pradeep Gahalot, APP for State
with SI Ankit Sagar, P.S. Neb Sarai.
Mr. Hemant Singh, Ms. Urvashi Jain,
Mr. Attrev Gupta and Mr. Aman
Bidhuri, Advocates for Victim.

AND

CRL.A. 770/2024

FAISAL ALAM @ SHARUKAppellant
Through: Ms. Aishwarya Rao and Ms. Mansi
Rao, Advocates.
versus

STATE GOVT OF NCT OF DELHI THROUGH SHO PS NEB
SARAI DELHIRespondent
Through: Ms. Shubhi Gupta, APP for State with
SI Ankit Sagar, P.S. Neb Sarai.
Mr. Hemant Singh, Ms. Urvashi Jain,
Mr. Attrev Gupta and Mr. Aman
Bidhuri, Advocates for Victim.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI



JUDGMENT

1. By way of the present appeals, the appellants seek to assail the judgment of conviction dated 31.07.2023 and the order on sentence dated 13.02.2024, passed by the learned Additional Sessions Judge-01, Special Court (POCSO), South District, Saket Courts, New Delhi, in SC No. 129/2017 arising out of FIR No. 857/2016 registered under Sections 377/367/506 IPC and Section 6 POCSO at P.S. Neb Sarai, Delhi.
2. As the impugned judgment and order on sentence are common, and common submissions have been addressed by the parties, the above noted appeals are taken up for consideration together and are disposed of by this common decision.
3. The facts, in a nutshell, as noted by the Trial Court are extracted hereunder:

`Succinctly, the facts of the case unfolded from the charge sheet filed u/s 173 of Criminal Procedure Code (for short Cr.P.C) are that on 08.12.2016, a complaint was made before the SHO, Police Station, Neb Sarai by the complainant/victim 'NK' stating that on 08.12.2016 at about 5.00 PM, he alongwith his younger brother 'KK' were returning to their home after withdrawing money from the ATM and when they stopped near Noorani Masjid for urination, two unknown boys came there and started abusing them. He has further stated that when they asked not to abuse them, said boys showed them knife and took them for a long distance inside the jungle. He has further stated that one of the said two boys put a knife on the neck of his younger brother 'KK' and asked him (victim 'NK') to put off his pant otherwise threatened to kill his brother 'KK'. He has further stated that due to said fear, he has put off his pant and said boy put his penis in his mouth. He has further stated that after some time, said boy called his associate who put his penis in his anus and then forcibly put the same in his mouth. He has further stated that thereafter both the said boys gave them beatings and snatched their cash of Rs.2,500/- which they had withdrawn from the ATM and both the accused ran away from the spot. He has further stated that in the meantime, two other boys came there and asked them as to what they were doing there and left the spot. Thereafter,

