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

+ **CRL.REV.P. 231/2014**

CHANDERVIR

.....Petitioner

Through: Mr. Sanjeev Kaloty, Mr.
K.K. Sharma & Mr. R.K.
Joharwal, Advs.

versus

THE STATE

.....Respondent

Through: Mr. Manoj Pant, APP for
the State.
SI Amit, PS SP Badli.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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25.09.2025

1. The present petition is filed by the petitioner against the judgment dated 27.03.2014 (hereafter '**impugned judgment**'), passed by the learned Appellate Court in CA No. 12/13.
2. By the impugned judgment, the learned Appellate Court dismissed the appeal filed by the petitioner and upheld the judgment on conviction dated 10.12.2010 and order on sentence dated 10.01.2011, passed by the learned Trial Court in Case no. 118/2002 arising out of FIR No. 230/1996, registered at Police Station SP Badli.
3. By judgment on conviction dated 10.12.2010, the petitioner was convicted for the offences under Sections 377/506(II) of the Indian Penal Code, 1860 ('**IPC**'). By order on sentence dated 10.01.2011, the petitioner was sentenced to undergo simple imprisonment for two years and to pay a fine of ₹5,000/- for the offence under Section 377 of the IPC, and in



default of payment of fine, to undergo further simple imprisonment for a period of five months. For the offence under Section 506(II) of the IPC, the petitioner was sentenced to undergo simple imprisonment for a period of three months.

4. The fine amount was paid by the petitioner.

5. This Court, by order dated 07.05.2015, had suspended the sentence of the petitioner by observing that he had already spent more than one year and one month in custody and his jail conduct was satisfactory.

6. The brief facts of the case are that the FIR was registered on a complaint made by the victim, who was twelve years of age at that time. It was alleged that the appellant had called the victim to his house on the pretext of playing together and sodomised the victim along with his associate. The appellant and his associate also threatened the victim to not disclose about the incident to anyone. The appellant's associate was a juvenile, and he was thus tried separately.

7. The learned counsel for the petitioner, at the outset, submits that the alleged incident took place in the year 1996, that is, almost three decades back. He submits that the petitioner was convicted after more than a decade in the year 2010 by the learned Trial Court and another fifteen years have elapsed since then as well. He submits that the petitioner does not wish to press his challenge in relation to his conviction and the present petition is confined to the question of quantum of sentence.

8. He submits that the petitioner was around twenty years of age at the time of the incident and he has been involved in no other criminal case apart from the present case. He submits that



the petitioner had also maintained satisfactory jail conduct while in incarceration.

9. He submits that the petitioner is the sole bread earner of the family, which includes his five children, four of whom are still minor. He submits that subjecting the petitioner to undergo the remaining period of his incarceration will cause serious miscarriage of justice.

10. He submits that there is no minimum sentence for the offence under Section 377 of the IPC and a lenient view may be taken by considering the fact that the petitioner has already undergone more than one year in custody.

11. He submits that the petitioner has assimilated in the society and no purpose would be served by subjecting him to undergo the remaining period in custody.

12. The learned Additional Public Prosecutor for the State submits that the State has no objection if the sentence of the petitioner is commuted to the period already undergone.

13. I have heard the counsel and perused the record.

14. The Hon'ble Apex Court, in the case of **Ramdas v. State of Madhya Pradesh : (2009) 4 SCC 57**, in a case involving conviction for the offence under Section 324 of the IPC, had commuted the sentence of 3 years to the period already undergone, that is, fifteen months, by factoring in that the appellant therein had been prosecuting the matter before various Courts for over fourteen years.

15. In the present case as well, it is relevant to note that the incident dates back to the year 1996 and the petitioner has been pursuing the matter for close to three decades. As pointed out,



the petitioner at the time of the incident was a young man of only around twenty years of age. In the intervening period, the petitioner has not been involved in any other offence either.

16. Moreover, there is no minimum sentence for the offences for which the petitioner has been convicted. In the case of ***Munna Gupta v. The State of Chhattisgarh : Criminal Appeal No. 717/2011***, wherein the appellant therein had been convicted for the offence under Section 395 of the IPC, the Hon'ble Apex Court had commuted the sentence of ten years to the period already undergone by the appellant, that is, 7 years, by factoring in the time already undergone and that there is no minimum sentence for the offence under Section 395 of the IPC.

17. The appellant has evidently already undergone a substantial portion of his sentence. As pointed out, the petitioner has since assimilated in society and he has a family to take care of which includes his four minor children.

18. Although the offences for which the appellant has been convicted are very serious in nature, at this juncture, this Court deems it apposite to note the reformatory purpose of sentencing as well. The nominal roll indicates that only ten months of appellant's sentence remain and his jail conduct was satisfactory. Subjecting the petitioner to undergo the remaining period after so many years will serve no purpose. In the opinion of this Court, interests of justice would be met if the sentence imposed upon the petitioner is reduced to the period already undergone by him.

19. In view of the above, without interfering in the conviction of the petitioner, his sentence is reduced to the imprisonment already suffered by the petitioner.



20. The present petitions are disposed of in the aforesaid terms.

21. The bail bonds and sureties furnished by the petitioner shall stand discharged.

AMIT MAHAJAN, J

SEPTEMBER 25, 2025
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