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

+ CRL.A. 958/2024

HARI OM

.....Appellant

Through: Mr. Abhinav Bajaj, Ms. Geetashi Chandra, Mr. Saksham Ojha and Mr. Kriti Bishnoi, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Ms. Shubhi Gupta, APP for State with SI Amit PS Ranhola, Delhi.
Mr. Harsh Prabhakar, Advocate (DHCLSC) with Mr. Dhruv Choudhary, Mr. Dhruv Choudhary, Mr. Shubham Sourav and Mr. Vijit Singh, Advocates for victim.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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12.09.2025

1. The present appeal has been instituted under Section 415 BNSS against the impugned judgment of conviction dated 07.06.2024 by which the appellant is convicted under 354A/354D/509 IPC and Section 12 POCSO Act and order on sentence dated 22.09.2024, passed by the ASJ-02, Tis Hazari Courts, Delhi in Sessions Case No. 658/2021 arising out of FIR No. 697/2014 registered under Sections 354A/354D/509 IPC at P.S. Ranhola, Delhi.

Vide the impugned order on sentence, the appellant was sentenced to undergo Imprisonment for a period of 1 year and 6 months for the offence punishable under Section 12 POCSO Act alongwith fine of Rs.10,000/-, in



default whereof he would undergo SI for 15 days. The appellant was granted the benefit under Section 428 Cr.P.C.

The sentence of the appellant is suspended since the order dated 18.10.2024.

2. The prosecution examined seven witnesses in support of its case. The material witnesses include the victim, examined as PW-1, who testified that the appellant, who used to deliver cylinders at her house, had been troubling her continuously for 10-15 days prior to the lodging of the FIR. She deposed that he followed her, asked for her phone number, made gestures, and even attempted to touch her. She informed her mother (PW-2), who thereafter accompanied her, but the appellant continued his conduct. Eventually, when the appellant was seen near their house, PW-2 called 100 and subsequently lodged a complaint

The mother of the victim was examined as PW-2, who deposed on similar lines as to the victim. The father of the victim was examined as PW-3. The maternal uncle of the victim as PW-4. The other witnesses were formal in nature, who deposed relating to various aspects of the investigation.

3. A perusal of the record indicates that the age of the victim to be 13 years stands proved. The victim has correctly identified the appellant in court and is considered as a 'sterling witness', her testimony is consistent, cogent and inspires confidence, and is further corroborated by her parents and maternal uncle. It has been proved beyond reasonable doubt that the appellant used to follow her, ask her for her phone number, tried to touch the victim, and make gestures. The appellant's plea of false implication on account of an alleged prior dispute remains unsubstantiated and unsupported



by evidence. Consequently, the conviction of the appellant is upheld qua the offence under Section 354A/354D/509 IPC and Section 12 POCSO Act.

4. At this stage, the learned counsel for the appellant, on instructions from the appellant, submits that the appellant does not wish to press the present appeal on merits and instead prays that he be released on the period already undergone by him.

5. Learned APP for the State, on instructions, submits that appellant is not involved in any other case

6. The appellant is stated to be around 27 years of age is the sole bread earner of his family, which comprises of his wife and a son. His conduct in the Jail has been reported to be satisfactory. The appellant has faced trial since the year 2021.

7. Keeping in view of the aforesaid and as per the nominal roll dated 08.09.2025, the appellant has already undergone 7 months and 7 days. The fine imposed has also been duly deposited, as recorded in the order dated 11.09.2025. The substantive sentence of the appellant in the present appeal is modified to the period already undergone by him.

8. The present appeal is partly allowed and disposed of in the above terms. His bail bonds and surety stands cancelled.

9. A copy of this order be communicated to the Trial Court as well as concerned Jail Superintendent, for information and necessary compliance.

MANOJ KUMAR OHRI, J

SEPTEMBER 12, 2025/rd