



2025:DHC:11934



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

%

Date of Decision: 19.12.2025

+

CRL.A. 222/2017

SURENDER KUMAR

.....Appellant

Through: Mr.Bhavesh Kumar Sharma,
Advocate.

versus

STATE

.....Respondent

Through: Ms. Shubhi Gupta, APP for State with
SI Johny Kumar PS Uttam Nagar,
Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. By way of present appeal, the appellant seeks to assail the judgement of conviction dated 25.01.2017 and order on sentence dated 30.01.2017 passed by ASJ-05, West, Tis Hazari Courts, Delhi, in SC no. 56497/2016 arising out of FIR no. 520/2012 registered under Sections 326/506/308 IPC at P.S. Uttam Nagar, Delhi.

2. Vide the impugned order on sentence, the appellant is sentenced to undergo RI for a period of 3 years alongwith fine of Rs.3,000/-, in default thereof would undergo SI for a period of 3 months for the offence punishable under Section 308 IPC, he would undergo RI for a period of 1 year alongwith fine of Rs.1,000/-, in default thereof would undergo SI for a period of 15 days for the offence punishable under Section 506 IPC. The



appellant was directed to pay a compensation of Rs.1.5lakhs to the complainant, and in default of payment of compensation amount he would undergo SI for a period of 6 months. The benefit of Section 428 Cr.P.C. was granted to the appellant.

The sentence of the appellant was suspended during pendency of the present appeal vide order dated 27.02.2017.

3. Briefly put, the case of the prosecution is that on 17.12.2012, the complainant came to the Police Station and made a statement to the effect that on 14.12.2012, the appellant had called her and asked her to meet him at Uttam Nagar West Metro Station. Pursuant thereto, she reached the said place at about 1:00-1:30 PM and thereafter went to the room of the appellant. It is alleged that the appellant proposed marriage to her and, upon her stating that she would first consult her mother, he insisted on marrying her on the same day. On her refusal, the appellant allegedly became enraged, bolted the room from inside, pushed her onto the cot and gave blows with a *daraati*. She raised alarm, however, no one came to her aid. The complainant consented to marriage and requested medical treatment, whereafter the appellant took her to DDU Hospital and got her admitted. Initially, she did not disclose the incident. Subsequently, she made her statement at the police station, on the basis of which the present FIR was registered.

4. In support of its case, the prosecution examined 10 witnesses. The most material among them was the injured witness, *Nisha*, who was examined as PW-3. Dr. Narender Solanki deposed as PW-4 and PW-9 and under his supervision the MLCs was prepared. The remaining witnesses were formal in nature and deposed regarding various aspects of the



investigation.

In his statement recorded under Section 313 Cr.P.C, the appellant claimed innocence and false implication.

5. A perusal of the record indicates that the testimony of the injured witness, PW-3, is cogent, credible and inspires confidence. Her version stands fully corroborated by the medical evidence on record. As per the MLC exhibited as Ex. PW-4/A, the injured was found to have sustained multiple incised wounds caused by a sharp weapon. PW-9 confirms that PW-3 suffered grievous injuries. The recovery of blood-stained bed sheet and pillow cover from the room of the appellant, coupled with the FSL report detecting blood thereon, further corroborates the occurrence at the appellant's residence.

Having considered the material placed on record, this Court concurs with the findings of the trial court and finds no grounds to interfere with the same are made out. Consequently, the conviction of the appellant is upheld qua the offence under Sections 308/506 IPC.

6. Learned counsel for the appellant, on instructions from the appellant who is present through VC, submits that the appellant does not wish to press the appeal on merits and confine his prayer to seeking release on probation. It is prayed that the benefit of Section 4 of the Probation of Offenders Act, 1958 be extended to him. The fine amount as well as compensation amount stands paid by the appellant and the receipts have already been placed on record.

7. Learned APP for the State, on instructions, submits that the appellant has not been convicted in any other case.



8. Pursuant to the directions of this Court, the Social Investigation Report of the appellant has been handed over in Court from the Probation Officer, Tis Hazari Courts, Delhi. As per the report, the appellant is aged 57 years old, educated upto 7th class, a resident of A-38, FF Anand Vihar, Uttam Nagar, Delhi. The appellant is the sole breadwinner of his family, working as a daily wage worker and manages to earn around Rs.20,000/-, his family consists of his wife, two daughters, one son. It is further noted that the appellant is physically and mentally fit. The economic condition of the family seems satisfactory. The report further records that the appellant's family members, relatives, and neighbours have spoken positively about his behaviour and conduct. The appellant is not convicted in any other case. The Probation Officer concludes that the appellant possesses positive social support, and shows good prospects of rehabilitation, and therefore finds him suitable for release on probation.

9. The underlying object of releasing offenders on probation is to facilitate their reintegration into society as law-abiding citizens, fostering self-reliance and aiding in their reformation. A testament to the importance of this provision is that the Supreme Court in Lakhvir Singh & Ors. v. State of Punjab & Anr.,¹ has extended the benefits of the Probation of Offenders Act, 1958 even to convicts who had not completed the mandatory minimum sentence of seven years as prescribed in Section 397 IPC.

10. It is pertinent to note that Section 308/506 IPC does not prescribe any minimum sentence. Given that even otherwise, the offence does not carry a mandatory minimum sentence, the Court retains discretion to extend the benefit of probation to the appellant, provided the circumstances justify such



relief.

11. Having regard to the nature of the offence and the overall findings of the Social Investigation Report, as well as the legal position *qua* the applicability of Probation of Offenders Act as iterated above, this Court is persuaded to adopt a reformatory approach. The appellant has been living peacefully in society, has maintained a stable occupation, is the sole breadwinner of his family and the case has been pending since 2012. The Probation Officer's report further affirms his good conduct, normal social behavior, and positive inclination towards reformation.

12. Accordingly, while upholding the judgment of conviction and order on sentence passed by the learned Trial Court, the sentence imposed upon the appellant is modified to the extent that he shall be released on probation of good conduct under Section 4 of the Probation of Offenders Act, 1958, upon furnishing a probation bond in the sum of Rs.10,000/-, with one surety in the like amount, to the satisfaction of the Trial Court within five weeks from today. He shall maintain peace and good behaviour for a period of one year and shall not commit any offence during the period of probation.

13. The appeal and all pending applications, if any, stand disposed of in the above terms.

14. A copy of this judgment be communicated to the Trial Court, the concerned Probation Officer, and the concerned Jail Superintendent for information and compliance.

MANOJ KUMAR OHRI
(JUDGE)

DECEMBER 19, 2025/dh

¹ 1 (2021) 2 SCC 763