



\$~62

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

+ CRL.A. 1446/2025, CRL.M.(BAIL) 2110/2025 (for Suspension of Sentence)

RAM AKHTIYAR @ RAM KHATIYAR @ RAM KATIYAR

.....Appellant

Through: Mr. Sonu Kashyap, Mr. U.M. Tripathi, Mr. Abhishek Saxena, Ms. Utsa Srivastava, Advocates.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Shoaib Haider, APP for the State.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

16.10.2025

%

1. Appeal under Section 415 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'B.N.S.S.'*) (Section 374 of the Code of Criminal Procedure, 1973), has been filed on behalf of the Appellant, Ram Akhtiyar @ Ram Khatiyar @ Ram Katiyar against the Order of conviction dated 09.10.2025 *vide* which the Appellant has been convicted in Case FIR No. 583/2016 under Section 174-A of the Indian Penal Code (*hereinafter referred to as 'IPC'*), registered at Police Station Nihal Vihar, Delhi even though he has been acquitted under the substantive offences under Section 370/370A and 376D IPC and Order on Sentence dated 13.10.2025 wherein he has been sentenced to Simple Imprisonment of three years and fine of Rs.10,000/- in default Simple Imprisonment for two months.
2. Learned counsel for the Appellant submits that he is limiting his Appeal only to the Order on Sentence. It is submitted that the Appellant is



66 years old and in fact, the process had not even been issued in his correct name. Moreover, he has been acquitted for the substantive offences under Section 370/370A and 376D IPC but has been convicted only in Section 174-A IPC, since he allegedly avoided the Summons of the Court and was declared an absconder *vide* Order dated 13.07.2017. It is further submitted that the Complainant had categorically deposed that the Appellant was not the person involved in the committing of the offence. He has clean antecedents and he has already undergone imprisonment for seven months.

3. Learned Prosecutor submits that the totality of circumstances may be considered and appropriate Orders may be made.

4. **Submissions heard and the record perused.**

5. In the present Case, the Appellant has been acquitted for the substantive offences and the conviction has only under Section 174-A of IPC for having evaded the process of the Court. He has already suffered seven months of imprisonment.

6. Considering the totality of circumstances, the Order on Sentence dated 13.10.2025 is hereby modified and he is sentenced for the period already undergone. The fine amount of Rs.10,000/- be deposited *forthwith* after which, the Appellant may be released if he is not wanted in any other case.

7. The Appeal, as well as, the Application CRL.M.(BAIL) 2110/2025 seeking Suspension of Sentence is disposed of accordingly.

NEENA BANSAL KRISHNA, J

OCTOBER 16, 2025/RS