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

+ CRL.A. 1194/2024 & CRL.M.A. 1700/2025

SOHEL @ BABLU @ BACCHAN KHANAppellant

Through: Mr. Ashutosh Kaushik, Adv.
(DHCLSC) along with appellant from
JC.

versus

STATE (NCT OF DELHI)Respondent

Through: Mr. Pradeep Gahalot, APP for the
State.
SI Yashveer Sharma, PS Govindpuri
Survivor along with her father

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

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16.05.2025

1. This hearing has been done through hybrid mode.
2. The present appeal under Section 415(2) read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (for short, 'BNSS') has been filed challenging the judgment of conviction dated 23.11.2023 and order on sentence dated 01.02.2024 in Sessions Case No. 269/2017 arising out of FIR No. 176/2017, under Sections 363/354/354B/366/342 of the IPC, registered at PS Govind Puri, whereby the appellant has been convicted for offences punishable under Sections 366/342/354/354B of the IPC and has been sentenced to rigorous imprisonment for 7 years alongwith fine of Rs.10,000/- and in default of payment of fine, to undergo further simple imprisonment for 6 months for the offence punishable under Section 366 of the IPC. The



appellant has also been sentenced to rigorous imprisonment for 6 months alongwith fine of Rs.1,000/- and in default of payment of fine, to undergo further simple imprisonment for 1 month for the offence punishable under Section 342 of the IPC. The appellant has also been sentenced to rigorous imprisonment for 3 years alongwith fine of Rs.1,000/- and in default of payment of fine, to undergo further simple imprisonment for 3 months for the offence punishable under Section 354 of the IPC. The appellant has also been sentenced to rigorous imprisonment for 4 years alongwith fine of Rs.1,000/- and in default of payment of fine, to undergo further simple imprisonment for 3 months for the offence punishable under Section 354B of the IPC. Benefit of Section 428 of the CrPC was also directed to be granted to the appellant and sentences were directed to run concurrently.

3. An application being CRL.M.A. 9992/2025 has been filed on behalf of the appellant/applicant stating that he is willing to accept his guilt. In view of the same, the appellant has been produced from judicial custody. Learned counsel appearing on behalf of the appellant, on instructions from the latter, submits that appellant does not want to press this appeal *qua* the judgment of conviction dated 23.11.2023. However, he submits that insofar as the order on sentence dated 01.02.2024 is concerned, the same may be modified to the extent of period of custody already undergone by the present appellant. It is further submitted that in view of the period already undergone, this Court may take a lenient view regarding the fine imposed on the appellant/applicant.

4. Notice was issued to the survivor *vide* order dated 29.04.2025 returnable for today. In pursuance of the same, the survivor along with her father has appeared. Learned APP for the State, on instructions of the Investigating Officer and father of the survivor, submits that the



compensation, awarded by DLSA in terms of the order on sentence, to the survivor has been disbursed and received.

5. As per the nominal roll dated 25.04.2025 received by this Court, as on 23.04.2025, the appellant has undergone incarceration for more than 6 years 5 months, including the remissions earned by him during his custody period, out of the maximum of 7 years of sentence awarded to him. His conduct in the jail is shown to be satisfactory.

6. This Court has enquired with the appellant who states he does not wish to prosecute the present appeal *qua* the judgment of conviction.

7. In view thereof, the impugned judgment of conviction dated 23.11.2023 is upheld.

8. In the totality of facts and circumstances of the present case, substantive sentences imposed *vide* order of sentence dated 01.02.2024 is reduced to the period of sentence already undergone by the appellant, as per the nominal roll dated 25.04.2025, and the fine imposed is modified in the following manner:

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“i) For the offence punishable under Section 366 of the IPC, the appellant shall pay a fine of Rs. 1,000/- and in default of payment of fine, to undergo simple imprisonment for one (1) month;

ii) For the offence punishable under Section 354B of the IPC, the appellant shall pay a fine of Rs. 500/- and in default of payment of fine, to undergo simple imprisonment for 15 days;

iii) For the offence punishable under Section 354 of the IPC, the appellant shall pay a fine of Rs. 500/- and in default of payment of fine, to undergo simple imprisonment for 15 days;

iv) For the offence punishable under Section 342 of the IPC, the fine



is waived off;”

9. The present appeal, *qua* order on sentence dated 01.02.2024, is partly allowed and disposed of accordingly.
10. Pending application(s), if any, also stand disposed of.
11. Copy of the order be sent to the concerned Jail Superintendent for necessary information and compliance.
12. Order be uploaded on the website of this Court *forthwith*.

AMIT SHARMA, J

MAY 16, 2025/

Click here to check corrigendum, if any