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

+ **CRL.A. 494/2018**

MANOJ @ MONU

.....Appellant

Through: Ms.Mannat Singh, Ms.Mallika Rastogi
and Mr.Saurabh Soni, Advocates

versus

STATE

.....Respondent

Through: Ms. Shubhi Gupta, APP for State with
SI Rahul Singh

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

24.11.2025

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1. By way of present appeal, the appellant seeks to assail the judgement dated 12.02.2018 and order on sentence dated 17.02.2018 passed by District & Sessions Judge, Saket Courts, Delhi, in CIS-SC-7250-2016 arising out of FIR no. 442/2015 registered under Section 307 IPC at P.S. Sangam Vihar, Delhi.

2. Vide order on sentence, the appellant has been directed to undergo RI for a period of 5 years alongwith fine of Rs. 10,000/- for the offence punishable under Section 307 IPC, in default thereof would further undergo SI for 6 months. The benefit of Section 428 Cr.P.C. has been provided to the appellant.

Vide order dated 06.02.2019, the sentence of the appellant was suspended during the pendency of the present appeal.

3. Briefly put, the case of the prosecution is that on 15.07.2015, a quarrel had taken place between *Raj Kumar* and the appellant. On the next day,



when *Rohit*, *Sharukh* and *Raj Kumar* were sitting together at *Sai Mandir*, near *Gali* No. 1, D-Block, Sangam Vihar, the complainant *Manish* also arrived and said something to the appellant, which enraged him, leading the appellant to stab *Manish*. A complaint was thereafter lodged by him. The appellant was arrested on 17.07.2015. After the case was committed to the Court of Sessions, a charge under Section 307 IPC was framed against him, to which he pleaded not guilty and claimed trial.

4. In support of its case, the prosecution examined 16 witnesses. The material witnesses include the injured, who was examined as PW-5. *Rohit*, *Sharukh* and *Raj Kumar*, who are eyewitnesses to the incident, were examined as PW-2, PW-3 and PW-4 respectively. Dr. Nazia, who medically examined the injured on the date of the incident, was examined as PW-13. Dr. Nikhil Sharma, who conducted the X-ray of the injured, was examined as PW-14. The remaining witnesses were formal in nature and deposed regarding various aspects of the investigation.

5. A perusal of the record indicates that the testimony of the injured remains cogent, consistent and inspires confidence. He stated that the appellant inflicted knife injuries on his chest. He also identified the appellant, who anyways was prior known to him. PW-13, Dr. Nazia, described the chest injury as grievous, caused by a sharp weapon, and the medical evidence fully corroborates PW-5's testimony that he was stabbed with a knife in the chest. The X-ray report proved by PW-14 further revealed right lung collapse and pleural fluid, establishing that the stab had penetrated the lung. Although PW-2, PW-3 and PW-4 turned hostile, their testimonies nonetheless established that the appellant and *Manish* were known to each other and that a prior quarrel had taken place between the



appellant and *Raj Kumar*. The knife was recovered at the appellant's instance during police remand, and human blood was found thereon. It also stands proved that the appellant was apprehended while attempting to flee to *Aligarh*.

In view of the above, the conviction of the appellant under Section 307 IPC is upheld.

6. At this stage, learned counsel for the appellant, submits that the appellant, who is present in court, is remorseful and being fully aware of the consequences, does not wish to press the present appeal on merits. He accepts his guilt and prays that he be released on the period already undergone by him in custody.

7. Learned APP for the State has handed over a Status Report which is taken on record. As per which, the appellant has one previous involvement under Section 323IPC which already stands compounded.

8. The nominal roll of the appellant dated 29.11.2023 is on record, which reflects that he has undergone about 3 years and 3 months, including remission earned, and his conduct in jail has been noted as satisfactory.

9. The law regarding release of the appellant in cases where the convict has undergone more than half of the sentence was laid down by the Supreme Court in Sonadhar Vs. State of Chhattisgarh, reported as **2021 SCC OnLine SC 3683**, and the relevant portion of the same is extracted hereinunder:

“28. We thus issue the following directions:

- a) A similar exercise be undertaken by the High Court Legal Services Committee of different High Courts so that convicts represented by legal aid Advocates do not suffer due to delay in hearing of the appeals. NALSA will circulate this order to the concerned authority and monitor the exercise to be carried on.*
- b) The Delhi High Court Legal Services Committee would take up the cases of those convicts who have undergone more than half the sentence*



in case of fixed term sentences and examine the feasibility of filing bail applications before the High Court, while in case of 'life sentence' cases, such an exercise may be undertaken where eight years of actual custody has been undergone.

c) We are of the view that in fixed term sentence cases, an endeavor be made, at least as a pilot project, in these two High Courts to get in touch with the convicts and find out whether they are willing to accept their infractions and agree to disposal of the appeals on the basis of sentence undergone.

d) A similar exercise can be undertaken even in respect of 'life sentence' cases where the sentenced persons are entitled to remission of the remaining sentence i.e., whether they would still like to contest the appeals or the remission of sentence would be acceptable to such of the convicts."

10. The appellant is 28 years old, is working as a labourer doing paint work, and has the responsibility of his aged parents.

11. Having regard to the fact that the incident pertains to the year 2015 and that at the time of commission of offence, the appellant was barely 19 years of age and keeping in view of the facts and circumstances noted hereinabove as well as decision in Sonadhar (Supra), the substantive sentence of the appellant in the present appeal is hereby modified to the period already undergone by him. The sentence on default of payment of fine, however, is maintained. The fine shall be deposited within four weeks before the Trial Court, failing which the appellant will undergo the default sentence. The appellant shall furnish a receipt with the concerned I.O.

12. Subject to deposit of fine amount, the personal bond furnished by the appellant stands cancelled and the sureties are discharged.

13. The present appeal is partly allowed and disposed of in the above terms.



14. A copy of this order be communicated to the concerned Jail Superintendent as well as to the Trial Court.

NOVEMBER 24, 2025

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MANOJ KUMAR OHRI, J