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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CRL.A. 417/2016  
SAURABH .....Appellant  
Through: Mr. D.V. Goyal, Advocate

versus

STATE (NCT OF DELHI) .....Respondent  
Through: Mr. Pradeep Gahalot, APP for State

**CORAM:**  
**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**  
**11.09.2025**

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1. The present appeal has been filed under Section 374 (2) of Cr.P.C. by the appellant assailing the judgment of conviction dated 24.02.2016 and the order on sentence dated 29.02.2016 passed by the learned ASJ-03, North West District, Rohini Courts, Delhi in Sessions Case No. 70/2014 arising out of FIR No. 383/2013, P.S. Aman Vihar. The appellant was convicted for offences under Sections 323/506/34 IPC and sentenced to undergo rigorous imprisonment for a period of 3 months each with fine of Rs.10,000/- (in default payment of fine, 1 month imprisonment) under Section 323/34 IPC, and imprisonment for 3 months under Section 506/34 IPC. Both sentences were directed to run concurrently and benefit of Section 428 Cr.P.C. was granted to the appellant.

The sentence of the appellant was suspended during the pendency of the present appeal vide order dated 02.05.2016.



2. A perusal of the record indicates that the Trial Court framed charges against the appellant under Sections 341/308/506/34 IPC, but the appellant was ultimately convicted only under Sections 323/506/34 IPC and acquitted of the charge under Section 308 IPC. The facts, as recorded in the impugned judgment, are that the complainant/*Sachin* was with his friend *Ram Milan* making arrangements for a *satsang* at Budh Bazar Road when, during the intervening night of 31.08.2013 and 01.09.2013 at about midnight, co-accused *Rahul* struck the complainant on the head with a piece of glass and the appellant started beating *Ram Milan*. Both the accused are also stated to have extended threats to the complainant not to disclose their names. The injuries inflicted were opined to be simple in nature, and the prosecution failed to establish the necessary ingredients to constitute an offence under Section 308 IPC. However, the evidence on record was sufficient to prove beyond reasonable doubt that the appellant and the co-accused, in furtherance of their common intention, voluntarily caused simple injuries and extended threats amounting to criminal intimidation.

3. The appellant is present in person and is duly identified by the I.O. He submits that, having understood the consequences, he does not wish to press the present appeal on merits. However, he prays that his substantive sentence be modified to the period already undergone by him.

4. Learned counsel for the appellant submits that the fine imposed by the Trial Court has been duly deposited. He further submits that the appellant is presently 32 years of age, and bears the responsibility of providing care to his ill and paralyzed mother.

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



6. The nominal roll dated 11.09.2025 confirms that the fine has already been deposited. As per the record, the appellant has already undergone a sentence of about one month including the undertrial period as on 02.03.2016, with his jail conduct reported to be satisfactory.

7. Keeping in view the facts and circumstances, including the period of incarceration already undergone by the appellant, the fact that the fine imposed by the Trial Court has been duly deposited, the satisfactory conduct of the appellant, and the mitigating circumstances of his family being dependent on him, as well as his age, this Court is of the view that the substantive sentence imposed upon the appellant shall be modified to the period already undergone by him.

8. The present appeal stands partly allowed and is disposed of in the above terms. The bail bonds furnished by the appellant stand cancelled and his sureties are discharged.

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

**MANOJ KUMAR OHRI, J**

**SEPTEMBER 11, 2025**

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