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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 688/2018**

CENTRAL BUREAU OF INVESTIGATIONAppellant
Through: Mr. Ripudaman Bharadwaj SPP with
Mr. Amit Kumar Rana, Advs.

versus

INDERJEET YADAV @ CHOTTE YADAVRespondent
Through: Mr. R.K. Tarun, Mr. R.R. Bharati, Capt.
Subedita Rani, Ms. Khushi Gupta and
Mr. Hemant Jain, Advs.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **13.10.2025**

CRL.M.A. 11872/2018

1. By way of present application, the appellant seeks condonation of delay of 380 days in filing the present appeal.
2. For the reasons stated in the application the same is allowed and the delay of 380 days is condoned.
3. Application is disposed of.

CRL.A. 688/2018

1. By way of the present appeal filed under Section 377 CrPC, the appellant/CBI seeks to assail the order dated 15.02.2017 passed by the learned District and Sessions Judge in Cr(A) No.305/2016, vide which, while upholding the conviction of the respondent, his sentence was modified to the



extent that the respondent was released on probation.

2. The prosecution case against the respondent was that he impersonated himself as Inspector of CBI and cheated many people by giving them assurance of getting government jobs.

3. The respondent was convicted by the learned CMM, vide judgment of conviction dated 06.09.2016, for the offence punishable under Sections 419, 420, 471 and 473 IPC and vide order on sentence dated 19.09.2016, the respondent was sentenced in the following manner:-

“(1) Convict Indeerjeet is sentenced for the offence under 420 IPC to undergo simple imprisonment for seven years and to pay fine of Rs. 5.000/-. In default of payment of fine, convict will further undergo simple imprisonment for one month.

(ii) He is further sentenced for the offence under 419 IPC to undergo simple imprisonment for a term of three years and to pay fine of Rs. 5,000/-. In default of payment of fine, convict shall further undergo simple imprisonment for one month.

(iii) He is also sentenced for the offence under 471 IPC to undergo simple imprisonment for a term of three year and to pay fine of Rs. 5,000/-. In default of payment of fine, convict shall further undergo simple imprisonment for one month.

(vi) He is also sentenced for the offence under 473 IPC to undergo simple imprisonment for a term of three year and to pay fine of Rs. 5,000/-. In default of payment of fine, convict shall further undergo simple imprisonment for one month.”

4. In addition, the Trial Court also directed the respondent to pay double the amount to each victim as compensation. In default, the respondent was directed to undergo further simple imprisonment for a period of 30 days for an amount of equal to Rs. 5,000/- and the said period was not to exceed 1/4th of the total



substantive sentence. All the substantive sentences were to run concurrently except the sentence of section 473 IPC. The benefit of Section 428 Cr.P.C. was given.

5. Vide the impugned order, the Appellate Court, while upholding the conviction of the respondent, released him on probation for two years on furnishing a probation bond of Rs. 30,000/- with one surety of the like amount.

6. Learned SPP for the CBI submits that the Ld. Appellate court erred in releasing the respondent on probation. He further submits that the Ld. Appellate court has not considered the seriousness of the offence and its impact on society as a whole.

7. The purpose of releasing offenders on probation is to reintegrate them in society and make them self-reliant, which in turn would make aid 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, since IPC was enacted before the Probation of Offenders Act came into being. The relevant extract is reproduced hereunder: -

“16. ..A more nuanced interpretation on this aspect was given in CCE v. Bahubali. It was opined that the Act may not apply in cases where a specific law enacted after 1958 prescribes a mandatory minimum sentence, and the law contains a non obstante clause. Thus, the benefits of the Act did not apply in case of mandatory minimum sentences prescribed by special legislation enacted after the Act. It is in this context, it was observed in State of M.P. v. Vikram Das that the court cannot award a sentence less than the mandatory

¹ (2021) 2 SCC 763



sentence prescribed by the statute. We are of the view that the corollary to the aforesaid legal decisions ends with a conclusion that the benefit of probation under the said Act is not excluded by the provisions of the mandatory minimum sentence under Section 397 IPC, the offence in the present case. In fact, the observation made in *Joginder Singh v. State of Punjab* are in the same context....”

8. Pertinently, the present is a case of conviction under Sections 419, 420, 471 and 473 IPC which does not provide for any such mandate of minimum sentence. It is well settled that the provisions of the Indian Penal Code, which predate the enactment of the Probation Act, must be read harmoniously with the latter statute. The bar to granting probation arises only where a subsequent special enactment (containing a non obstante clause) specifically excludes its operation or mandates a minimum sentence that leaves no room for judicial discretion. In the absence of such restriction, the Court retains full discretion to extend the benefit of probation to the appellants, provided the circumstances of the case justify such relief.

9. A perusal of the impugned order would show that the Appellate Court, while extending the benefit of probation to the respondent, primarily took note of the fact that the accused had settled the matter with one victim during the pendency of the trial, and the remaining six victims by paying them 90% of the compensation amount granted by Trial Court vide order on sentence dated 19.09.2016. All the victims had accepted the said amount as full and final settlement amount of their claim. The Appellate Court also took note of the fact that the respondent was only 21 years old at the time of incident, had no criminal antecedents, and had two small children aged about 4-5 years and his



aged parents who were dependent on him

10. The probation period is over. Nothing adverse has been brought in the report that the respondent failed to comply with the terms of probation or was involved in any other offence. Considering these circumstances, the discretion exercised by the Appellate Court in granting release on probation does not require any interference.

11. In view thereof, I find no infirmity in the impugned judgement granting the benefit of probation to the respondent and the present appeal is dismissed.

12. A copy of this order be communicated to the concerned Jail Superintendent as well as the trial court.

MANOJ KUMAR OHRI, J

OCTOBER 13, 2025/ry