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

+ CRL.A. 153/2018

SHEIKH HASIBULAppellant

Through: Appellant in person

versus

STATE NCT OF DELHIRespondent

Through: Ms.Shubhi Gupta, APP for State

+ CRL.A. 181/2018

ASHUAppellant

Through: Appellant in person

versus

STATE NCT OF DELHIRespondent

Through: Ms.Shubhi Gupta, APP for State

+ CRL.A. 182/2018

HAFIZULAppellant

Through: Mr.Rohan J. Alva, Mr.Anant Sanghi,
Advocates with appellant in person

versus

STATE NCT OF DELHIRespondent

Through: Ms.Shubhi Gupta, APP for State

+ CRL.A. 722/2018

SHAHBUDDINAppellant

Through: Mr.Ashutosh Kaushik, Advocate with
appellant in person

versus

STATERespondent

Through: Ms.Shubhi Gupta, APP for State



CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
27.11.2025

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1. By way of the present appeals under Section 374(2) Cr.P.C., the appellants seek to assail the judgment of conviction dated 27.10.2017 and the order on sentence dated 06.11.2017 passed by the Learned Additional Sessions Judge (FTC), Shahdara, Karkardooma Courts, Delhi in Sessions Case No. 22/2014 arising out of FIR No. 841/2013, P.S. Seema Puri, whereby the appellants were convicted for the offence punishable under Section 307 read with Section 34 IPC.
2. Vide the impugned order on sentence, all four appellants were sentenced to undergo Rigorous Imprisonment for four years along with a fine of Rs.5,000/- each, and in default of payment of fine, to further undergo Simple Imprisonment for one month. The benefit of Section 428 Cr.P.C. was extended to all the appellants.
3. Subsequently, the sentence imposed upon the appellants was suspended by this Court and they were released on bail. Sheikh Hasibul's sentence was suspended on 24.07.2019, Ashu's sentence was suspended on 29.07.2019, Hafizul's sentence was suspended on 30.07.2019 and Shahbuddin's sentence was suspended on 04.09.2019.
4. Briefly stated, the case of the prosecution was that on 16.12.2013 at around 8:00 p.m., the complainant Noor Hasan along with his wife Yasmeen was returning home near E-44, Cluster Jhuggies, when an altercation allegedly ensued with the appellants. It was alleged that the appellants abused, threatened and physically assaulted the complainant and his wife,



and that accused Shahbuddin inflicted stab injuries with a meat-cutting knife on the abdomen and left arm of the complainant while the remaining accused held him. Yasmeen also sustained an injury when she attempted to intervene. A call was made to the PCR and the injured were removed to GTB Hospital for treatment.

5. During the trial, the prosecution examined ten witnesses including the injured complainant, his wife, the investigating officials and medical experts. The complainant and his wife supported the prosecution case and identified the appellants. The medical evidence corroborated the injuries sustained, including the stab wounds, which were opined to be grievous in nature.

6. In their statements under Section 313 Cr.P.C., the appellants denied the allegations and claimed false implication, asserting that the complainant was a “BC” of the area and had multiple criminal cases pending against him. Accused Shahbuddin led two defence witnesses to support his version. However, the Trial Court found that the defence failed to dislodge the consistent and corroborated prosecution evidence.

7. Upon appreciation of material on record, the Trial Court held the testimonies of the complainant and his wife to be trustworthy and consistent. The Court observed that the medical evidence, the nature of injuries, and the sequence of events proved the common intention shared by the accused. Accordingly, all four appellants were convicted under Section 307/34 IPC.

8. Upon a careful examination of the record, this Court finds no reason to differ from the findings of the Trial Court. Accordingly, the conviction of the appellants for the offence punishable under Section 307 read with Section 34 IPC stands affirmed.



8. All four appellants are present in person and have been duly identified by the IO. Learned counsels appearing for the appellants submit, on instructions, that the appellants do not wish to press the appeals on merits and restrict their submissions to seeking modification of the substantive sentence to the period already undergone. In this regard, it is submitted that the appellant/Sheikh Hasibul is 43 years old having responsibility of 5 children and a wife to take care of, and he works as a labourer. Learned counsel for appellant/Ashu submits that the appellant is 38 years old with 3 children and a wife to take care of and that he is currently unemployed. Learned counsel for appellant/ Hafizul submits that the appellant is 39 years old and has two children and a wife to take care of, and that he works as a labourer. Learned counsel for appellant/Shahbuddin submits that the appellant is 34 years old, has 3 children and his wife to take care of and that he works as a daily wage labourer. Lastly, the learned counsels submit on instructions that the appellants will deposit the fine amount in the stipulated time as directed by this court.

9. Learned APP for the State has handed over the status reports, which are taken on record. As per the material placed, none of the appellants is involved in any other criminal case.

10. As per the nominal rolls on record, appellant appellant/Hasibul has undergone about 2 years and 3 months including remission. Appellant/Ashu has undergone custody of around 3 years and 1 month of sentence including remission. appellant/Hafizul has undergone about 3 years and 9 months of sentence including remission. Lastly, appellant/Shahabuddin has undergone custody about 2 years and 9 months of custody including remission. The



record further reflects that the fine imposed by the Trial Court is not deposited.

11. The law with regard to 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 v. State of Chhattisgarh decided on 06.10.2021, in **SLP (CRL)No. 529/2021** the relevant portion of the same is extracted hereinafter:

'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 endeavour 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.

Our aforesaid additional directions are based on a premise that at times if a convict has actually done of what he is accused of and he is remorseful, he may be willing to accept his acts and suffer a lesser sentence. We make it clear that the objective is not to compel or extract acceptance from such convicts depriving of the right of appeal.'

12. Having considered the record, including the testimony of the injured witnesses as appreciated by the Trial Court, this Court finds that the findings returned by the Trial Court are based on a consistent and categorical evidentiary foundation. The role attributed to each of the appellants, as well as the nature of injuries suffered by the complainant and



his wife, stands supported by the medical evidence and other material placed on record.

13. Having regard to the submissions advanced and the material available, this Court does not find any infirmity in the appreciation of evidence or conclusions drawn by the learned Trial Court, and the conviction of the appellants under Section 307 read with Section 34 IPC is accordingly affirmed.

14. Insofar as the question of sentence is concerned, it is noted that all four appellants come from economically weak backgrounds, are first-time offenders, and are stated to be the sole earning members of their respective families consisting of minor children, spouses, and dependents. As per the latest nominal rolls and status reports received, none of the appellants has any other criminal involvement apart from the present case. The nominal rolls further reflect that the appellants have already undergone substantial periods of incarceration, this Court is of the considered view that the ends of justice would be adequately met by modifying the substantive sentence to the period already undergone.

15. Consequently, while the conviction of the appellants under Section 307/34 IPC is upheld, the substantive sentence imposed upon them is modified to the period already undergone. The sentence of fine imposed by the learned Trial Court shall remain undisturbed. The appellants shall deposit the fine amounts, if not already deposited, within four weeks from today and furnish proof of compliance before the concerned IO. In the event of default, they shall undergo the default sentence as directed by the Trial Court.



16. The appeals are partly allowed and accordingly disposed of in the above terms. Pending applications, if any, also stand disposed of.

17. Subject to payment of fine, the bail bonds furnished by the appellants stand cancelled and their sureties are discharged.

18. A copy of this order be sent to the concerned Trial Court and concerned Jail Superintendent for information and compliance.

MANOJ KUMAR OHRI, J

NOVEMBER 27, 2025

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