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

+ CRL.A. 931/2016

VIPIN PRASAD

.....Appellant

Through: Mr. Gaurav Gupta and Mr. Rupal
Gupta, Advocates alongwith appellant

versus

STATE

.....Respondent

Through: Ms. Shubhi Gupta, APP for State with
SI Saurabh Kumar, PS Shalimar Bagh

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

03.12.2025

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1. By way of present appeal, the appellant seeks to assail the judgement dated 24.02.2016 and order on sentence dated 26.02.2016 passed by ASJ-02(North-West), Rohini Courts, Delhi, in SC no. 88/2014 arising out of FIR no. 1021/2014 registered under Sections 307 IPC at P.S. Shalimar Bagh, Delhi.

2. Vide order on sentence, the appellant has been directed to undergo RI for a period of 5 years alongwith fine of Rs. 20,000/- for the offence punishable under Section 307 IPC, in default thereof would further undergo SI for 3 months. Additionally, compensation of Rs.30,000/- to be paid by the appellant to the victim. The benefit of Section 428 Cr.P.C. has been provided to the appellant.

Vide order dated 03.10.2016, the sentence of the appellant was



suspended during the pendency of the present appeal.

3. Briefly put, the case of the prosecution is that the complainant and the appellant are husband and wife. The complainant is employed as a General Duty Assistant at Max Hospital, Shalimar Bagh, Delhi. Their marital relationship was strained, and a few days prior to the incident, the complainant, alongwith her children, began living separately in a rented house at B-84, Gali No. 5, Shalimar Gaon, Delhi. On 19.09.2014. While the complainant was returning home from work at around 8:00 PM, she reached at Arjun Mandirwali Gali Haiderpur, Delhi, the appellant met her and asked her to accompany him and live together. However, she refused on the ground that he used to quarrel with her and beat her. He then insisted and threatened that if she did not accompany him, he would kill her. Saying so, he took out a *daw* from his bag, inflicted several blows on her and thereafter fled from the spot.

4. In support of its case, the prosecution examined 16 witnesses. The material witness was the injured, examined as PW-7. Landlady of PW-7, *Geeta* was examined as PW-8. The son of PW-8, *Umesh*, was examined as PW-9. 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 complainant is cogent, consistent, and inspires confidence. The MLC records the injuries sustained by PW-7 and corroborates the prosecution's case, noting that the injuries sustained by PW7 were simple in nature. The weapon used in the assault was recovered based on information provided by the appellant, and FSL reports confirmed the presence of human blood on it. PW-15 further opined that the weapon was capable of inflicting the injuries observed on



PW-7. It is further noted that the relationship between the parties was strained, and PW-7 had left the matrimonial home due to repeated instances of beating and harassment by the appellant. Additionally, the appellant had previously misbehaved with their daughter, which contributed to their separation. PW-8 and PW-9 saw PW-7 in an injured condition immediately after the assault and took her to the hospital. While they did not witness the attack itself, they corroborated the time, place, and the injured condition of PW-7. The defence's claim of false implication remained unsubstantiated.

Having considered the material placed on record, this Court concurs with the findings of the trial court and finds no ground to interfere with the same. Consequently, the conviction of the appellant is upheld qua the offence under Sections 307 IPC.

6. At this stage, learned counsel for the appellant, on instruction from the appellant, who is present in court, is identified by the I.O. and also handed over his gatepass, which is taken on record, submits that he 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 since the appellant having undergone half the sentence, be released on the period already undergone by him in custody. He further prays that the fine imposed upon him be reduced as he belongs to poor strata of society.

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

8. The nominal roll of the appellant dated 23.10.2025 is on record, which reflects that 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 about 57 years of age, earns his livelihood as a labourer, and belongs to an economically weaker background.

11. Having regard to the fact that the incident pertains to the year 2014 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, subject to payment of fine as modified hereinbelow.

12. Considering the appellant’s modest means and the totality of the circumstances, the fine imposed upon him for the offence punishable under Section 307 IPC is reduced to Rs.10,000/-. However, the compensation



amount of Rs. 30,000/- imposed upon the appellant is maintained, alongwith the default sentence. The appellant shall deposit the fine and the compensation shall be deposited within 8 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.

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

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

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

MANOJ KUMAR OHRI, J

DECEMBER 3, 2025/dh