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

+ **CRL.A. 1058/2016**

GOVINDA

.....Appellant

Through:

Appellant in person

versus

THE STATE OF NCT OF DELHI & ANR

.....Respondents

Through:

Mr. Pradeep Gahalot,
APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

16.10.2025

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1. The present appeal has been filed under Sections 374(2) of the Cr.P.C. assailing the judgment of conviction dated 26.09.2016 and the order on sentence dated 30.09.2016 passed by the Learned ASJ (FTC), Shahdara, Karkardooma Courts, Delhi, in Sessions Case No. 78/2013 arising out of FIR No. 209/2013, Police Station Seemapuri, for offences punishable under Sections 363 IPC. Vide order on sentence, the appellant was directed to undergo Rigorous Imprisonment for one year with fine of ₹2,500/- (in default one month's Simple Imprisonment) for the offence under Section 363 IPC; Rigorous Imprisonment for one year with fine of ₹2,500/- (in default one month's Simple Imprisonment) for the offence under Section 365 IPC; and Rigorous Imprisonment for three months under Section 342 IPC. The appellant was granted benefit of 428 Cr.P.C.

During the pendency of this appeal, the appellant's sentence was suspended vide order dated 11.11.2016, and he was released on bail.



2. Briefly stated, the prosecution case was that on the intervening night of 18/19.04.2013, the complainant reported that her minor daughter had gone missing while sleeping on the roof of their *jhuggi*. During the search, it was informed that the girl was confined in the *jhuggi* of the appellant Govinda, from where she was later recovered. Investigation revealed that the appellant had wrongfully confined the victim inside his *jhuggi* after taking her from the lawful guardianship of her parents, while his co-accused Deepa, who was his sister-in-law residing in the same premises, had allegedly opened the bed-box in which the girl was kept and later locked the door from outside. On these allegations, appellant/Govinda was charged under Sections 328/363/365/342 IPC and co-accused Deepa was charged under Section 368 IPC. The Trial Court, however, acquitted Deepa of all charges and convicted the present appellant/Govinda for the offences under Sections 363/365/342 IPC.

3. During trial, the prosecution examined fourteen witnesses, including PW-1 (Sunita, mother of the victim), PW-2 (Jamuna Dass, father), and PW-5 (the victim herself). The material witnesses, PW-1 and PW-2, deposed about the missing incident and subsequent recovery, while PW-5, the prosecutrix, identified the appellant as the person who allegedly took her and confined her inside the *jhuggi*. Public witnesses, including PW-3 Arjun and PW-4 Vinod Kumar, did not support the prosecution case. PW-8 was the school principal of the prosecutrix who produced the admission register showing the victim's date of birth as 18.02.2002. The remaining witnesses were formal witnesses who deposed with respect to various aspects of the investigation.



The accused was examined under Section 313 Cr.P.C., wherein he denied all incriminating circumstances put to him and claimed false implication.

4. Upon appreciation of the evidence, the Trial Court found that the prosecution had established that the appellant had wrongfully confined the minor prosecutrix after taking her from the lawful guardianship of her parents. The Court, however, acquitted the co-accused Deepa of the charge under Section 368 IPC read with 363/365 IPC, granting her the benefit of doubt.

5. The nominal roll dated 16.10.2025 handed over in court today, which is taken on record, indicates that the appellant has undergone a total sentence of about five months as on 21.11.2016. The fine amount of ₹5,000/- was deposited before the Trial Court on 03.10.2016 and the receipt to that effect is already on record.

6. The appellant, who is present in person and is duly identified by the IO, has produced his gate-pass which has been handed over and is taken on record.

7. Learned counsel for the appellant submits on instructions that the appellant does not wish to press the appeal on merits. It is prayed that the sentence be modified to the period already undergone, keeping in view the clean antecedents of the appellant.

8. Learned APP for the State, has stated, on instructions from the IO, that the appellant is not involved in any other case.

9. Upon perusal of the Trial Court record, this Court finds that the conviction rests on the consistent and cogent testimony of the prosecutrix, duly corroborated by the depositions of her parents. Nevertheless,



considering that the appellant has no prior criminal antecedents and has already deposited the fine amount, this Court deems it appropriate, in the interest of justice, to modify the substantive sentence to the period already undergone.

10. Consequently, while upholding the conviction of the appellant *Govinda*, the sentence imposed upon him is modified to the period already undergone.

11. The appeal stands partly allowed and disposed of in the above terms. Pending applications, if any, also stand disposed of. The bail bonds furnished by the appellant are cancelled, and his sureties are discharged.

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

MANOJ KUMAR OHRI, J

OCTOBER 16, 2025

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