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

+ CRL.A. 1087/2016

LALA @ NARENDER

.....Appellant

Through: Mr. Azhar Qayaum, Advocate for
appellant with Appellant in person

versus

STATE

.....Respondent

Through: Mr Pradeep Gahalot, APP for State
with SI Manish Kalkal PS Kirti
Nagar, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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06.11.2025

1. The present appeal is directed against the judgment of conviction dated 21.04.2016 and the order on sentence dated 22.04.2016 passed by the learned ASJ-05 (West), Tis Hazari Courts, Delhi in Sessions Case No. 77/2014 arising out of FIR No. 83/2011 registered at P.S. Kirti Nagar under Sections 323/325/307/34 IPC.

Vide the impugned judgment, the appellant/*Lala @ Narender*, along with his co-accused *Mithai Lal* and *Kuldeep Prasad*, was acquitted of the charge under Section 307/34 IPC and convicted under Sections 324/325/34 IPC. By the order on sentence, he was sentenced to undergo SI for 2 years each for the offences punishable under Sections 324/34 and 325/34 IPC with fine of Rs.2,000/- each, and in default to further undergo SI for 1 month each. Both sentences were to run concurrently and the benefit of Section 428 Cr.P.C. was granted.

The appellant's sentence was suspended during pendency of the



present appeal vide order dated 18.11.2016.

2. The prosecution case, in brief, is that on 18.03.2011 at about 5:00 p.m., *Smt. Bilkish* and her son *Ismail*, who used to run a juice *rehri* (cart) in front of Lal Building, Jawahar Camp, Kirti Nagar, had gone to the spot to install their cart. They found that the accused *Mithai Lal* and *Kuldeep Prasad* had already placed their fruit-juice and vegetable *rehris* at that place, leading to a quarrel between them. During the altercation, *Mithai Lal* took out a sword from his *rehri* and *Kuldeep Prasad* picked up an iron rod. *Mithai Lal* gave a sword-blow on *Ismail*'s head, *Kuldeep Prasad* struck *Smt. Bilkish* on her right hand with the iron rod, and the appellant *Lala @ Narender* who had arrived at the spot, exhorted *Kuldeep Prasad* to finish *Ismail*, and gave a *danda* blow on the ribs of *Smt. Bilkish* besides assaulting both victims with fists and kicks. *Ismail* became unconscious and both injured were removed to DDU Hospital by PCR, where their MLCs were prepared and later collected by the I.O.

3. At trial, the prosecution examined 13 witnesses, including the two injured witnesses (PW-1/*Smt. Bilkish* and PW-3/*Ismail*), the medical officers from DDU Hospital, the investigating officials, and the FSL expert. The ocular testimony of PW-1 and PW-3 was found by the Trial Court to be natural, coherent, and free from material contradictions. Both witnesses gave a consistent account of the quarrel over placement of *rehris*, the assault initiated by *Mithai Lal* and *Kuldeep Prasad*, and the active role played by the appellant *Lala @ Narender* who joined in the attack. Their depositions were supported by medical evidence. The MLC of *Smt. Bilkish* recorded a fracture injury on her right hand, opined to be grievous in nature, while the MLC of *Ismail* reflected injuries on the skull consistent with the use of a sharp weapon. The X-ray report confirmed fractures of the radius and ulna



bones of the right forearm of *Smt. Bilkish*. The prosecution also placed on record the FSL report, which detected human blood on the knife, and on the clothes of both injured as well as the accused persons. The Trial Court held that this scientific corroboration reinforced the credibility of the injured witnesses and ruled out any suggestion of false implication.

4. The Trial Court found that *Smt. Bilkish* sustained a fracture constituting grievous hurt punishable under Section 325 IPC, and that *Ismail* suffered simple injuries caused by a sharp object attracting Section 324 IPC. The defence plea of false implication and counterblast was rejected as no explanation was offered for the injuries suffered by the victims, and the sole defence witness (DW-1/*Pooja*) was found to be unreliable and contrary to the medical evidence on record. The Court concluded that the ocular, medical, and forensic evidence established beyond reasonable doubt the participation of the appellant and his co-accused in causing the injuries in furtherance of their common intention. The Trial Court, upon finding that the injuries were not of such nature or intention as to attract Section 307 IPC, acquitted the accused persons of that charge and convicted them under Sections 324/325/34 IPC. Based on the material on record, and keeping in view the consistent testimonies of the injured witnesses PW-1 and PW-3 attributing a specific role to the appellant, together with the corroborative medical and forensic evidence, this Court concurs with the findings returned by the Trial Court and finds no ground to interfere with the impugned judgment. Consequently, the conviction of the appellant is upheld qua the offences punishable under Sections 324/325/34 IPC.

5. Learned counsel for the appellant submits, on instructions from the appellant, who is present in person and duly identified by the I.O., that the appellant, being fully aware of the consequences, does not wish to press the



present appeal on merits. The appellant states that he is remorseful and prays that he be released on the period already undergone by him in custody. He further undertakes to deposit the fine imposed upon him by the Trial Court. Learned counsel submits that the appellant has already undergone half of his substantive sentence and places reliance upon Sonadhar Vs. State of Chhattisgarh, reported as **2021 SCC OnLine SC 3683**.

6. Learned APP for the State, on instructions, submits that the appellant does not have any other involvements. The same stands confirmed upon a perusal of the appellant's latest nominal roll on record.

7. The appellant is a young man, presently about 35 years of age, and was a young adult at the time of the offence. He is stated to be gainfully employed as a daily-wage carpenter in a furniture shop and is responsible for maintaining his mother, wife, and two minor children aged 7 and 13 years.

8. The latest nominal roll on record reflects that the appellant has already undergone 1 year of his substantive sentence, and that the unexpired portion of his substantive sentence now stands at about 1 year.

9. Having regard to the fact that the incident pertains to the year 2011, the facts as discussed above, and in view of the aforementioned mitigating circumstances, the appellant's prayer for release on the period already undergone is accepted. The conviction of the appellant under Sections 324/325/34 IPC is upheld; however, the substantive sentence awarded to him is modified to the period already undergone by him.

The sentence of fine of Rs.4,000/- imposed upon the appellant is, however, maintained. In case the appellant fails to deposit the said fine, he shall undergo the sentence in default of payment of fine as imposed by the Trial Court.



10. The present appeal is partly allowed in the above terms.
11. Subject to payment of fine, the personal bond furnished by the appellant stands cancelled and his surety is discharged.
12. A copy of this order be communicated to the Trial Court and the concerned Jail Superintendent.

MANOJ KUMAR OHRI, J

NOVEMBER 6, 2025/nb