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

+ CRL.A. 1107/2016

ANWAR ALI

.....Appellant

Through: Mr. Riaz Mohammad with Mr.  
Kanwar Kashif Khan Advocates  
alongwith appellant

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State  
with SI Deep Sharma, PS NDRS

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

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**20.12.2025**

1. By way of the present appeal, the appellant seeks to assail the judgment of conviction and order on sentence dated 24.09.2016 passed by the learned ASJ-03, Central District, Tis Hazari Courts, Delhi in SC No. 27490/2016 (Old no. 2/2014), arising out of FIR No. 129/2012 registered at P.S. Railway Station New Delhi under Section 308 IPC. By way of the impugned judgment, the appellant Anwar Ali was held guilty for the offence punishable under Section 308 of the IPC.

2. Vide order on sentence, the appellant was directed to undergo rigorous imprisonment for a period of three years alongwith fine of Rs. 10,000/- for the offence punishable under Section 308 IPC, in case of default, would undergo simple imprisonment for a period of six months. Benefit of Section 428 Cr.P.C was extended to him.



3. Briefly, the prosecution case is that on 17.07.2012, at about 06:00 AM, PCR received a call and injured complainant *Medhanshu Tripathi*, who is a practising advocate at the Delhi High Court, stated that he, along with his brother Bedanshu had gone to see off their parents at New Delhi Railway Station and thereafter, a quarrel took place, wherein the auto-driver appellant behaved aggressively and started abusing him, the reason for this quarrel was that the auto bearing number *DL IRS 9125* was parked in such a manner that the backdoor of *Medhanshu's* car could not be opened. Following this quarrel, when *Medhanshu* and his brother eventually went inside the railway station to see off their parents, he was attacked by the appellant with an iron rod, who fled the crime spot after attacking him. Initially, the appellant could not be traced, and hence FIR against unknown person was registered, however, upon investigating further, the appellant was traced, identified by the complainant and arrested in the present case.

4. In total, the prosecution examined 7 witnesses, including injured complainant eyewitness *Medhanshu Tripathi* (PW-2), who corroborated the case of prosecution and identified the appellant in court. Furthermore, Dr. Arvind Mohan, CMO, LNJP Hospital was examined as PW-4. He testified qua nature of injuries sustained by PW-2. Furthermore, HC Inder Pal, examined as PW-5 he deposed that the CCTV footage of the incident which was shown to the complainant on same day, does not depict any weapon. The rest of the witnesses are formal in nature and deposed as to various aspects of the investigation.

5. The statements of the appellant as recorded under Section 313 Cr.P.C. on 10.05.2016, wherein he denied the prosecution case and claimed false implication. He claimed the defence of alibi and testified that he was called



by police a year later and was wrongly identified in the present case.

6. In his defence, the appellant also got himself examined under section 315 of the Cr.P.C. wherein apart from repeating what he had already testified in his Section 313 of the Cr.P.C statement, he stated that his face was not visible in the CCTV footage.

7. It is seen from the testimonies of PW-2, that the appellant's identity stands verified, the MLC has also been corroborated, and the said injuries establish the appellant's intention under Section 308 of the IPC. Nothing has come out in his testimony which discredits the witness. The testimonies are also corroborated by the MLC of the victim. The MLC (Ex.PW4/A) of PW-2 reveals that he injury on forehead right zygomatic region, right upper lip and right side mouth and caused by blunt object and acute haemorrhagic contusion was seen in left high parietal region. The information about injuries contained in the MLC was also corroborated by PW-4 and PW-5, and HC Pushpender (PW-6). Thus, this Court does not find any ground to interfere with the finding on his conviction. Consequently, the conviction of the appellant is upheld qua the offence under Sections 308 IPC.

8. Learned counsel for the appellant submits that the appellant has no prior criminal involvements and confine his prayer to seeking release on probation. It is prayed that the benefit of Section 4 of the Probation of Offenders Act, 1958 be extended to him. He further submits that the appellant has duly deposited the fine amount as directed by the Trial Court.

9. Learned APP for the State, on instructions, submits that the aforesaid fact regarding absence of previous involvements stands duly verified as per the status report on record.

10. Pursuant to the directions of this Court, the Social Investigation



Report of the appellant has been handed over in Court from the *Mohsina Munawar*, Probation Officer, Rampur which is taken on record. The report mentions that the appellant-Anwar Ali is 58 years old and is a resident of VPO Tanda Badli, Mohalla Najpura, District Rampur and that his house is privately owned. Social status of the appellant and his family was also stated to be satisfactory in the said report. Furthermore, the report states that the appellant is divorced, has three children, and all of whom are married. It further states that the appellant sells readymade garments. The probation report is positive in nature.

11. The underlying object of releasing offenders on probation is to facilitate their reintegration into society as law-abiding citizens, fostering self-reliance and aiding 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.,<sup>1</sup> 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.

12. In the present case, the conviction is under Section 308 IPC. Given that even otherwise, the offence does not carry a mandatory minimum sentence, the Court retains discretion to extend the benefit of probation to the appellant, provided the circumstances justify such relief.

13. In view of the facts and circumstances of the case, the judgment of conviction and order on sentence are upheld. However, considering the absence of prior criminal involvement and the overall circumstances reflected in the probation report, as well as the legal position qua the

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<sup>1</sup> 1 (2021) 2 SCC 763



applicability of Probation of Offenders Act as iterated above, the appellant is granted the benefit of probation upon furnishing a bond in the sum of Rs. 10,000/- with one surety for his good behaviour for a period of one year, before the learned Trial Court within five weeks from today. In case of non-compliance, the sentence awarded by the Trial Court shall remain in force.

14. It is made clear that in the event of any breach of the conditions of probation or involvement in any other offence during this period, the benefit granted under this order shall stand revoked, and the appellant shall be liable to undergo the remaining portion of the substantive sentence as awarded by the Trial Court.

15. The appeal and any pending applications, if any are accordingly disposed of in the above terms.

16. A copy of this order be communicated to the Trial Court, the concerned Probation Officer, and the concerned Jail Superintendent for information and compliance.

**MANOJ KUMAR OHRI, J**

**DECEMBER 20, 2025**

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