



2025:DHC:12043



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

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Date of Decision: 22.12.2025

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CRL.A.985/2018

SANJU & ORS.

.....Appellants

Through: Mr Dhan Mohan, Ms Tanu B Mishra,
Mr Ravi Misra and Ms Tanisha
Bhatia, Advocates

versus

THE STATE N.C.T. OF DELHI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
with Mr. Devvrat Sharma and Mr.
Japneet Singh, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been preferred by the appellants assailing the judgment of conviction dated 27.08.2018 and order on sentence dated 29.08.2018 vide which they were convicted and sentenced to undergo rigorous imprisonment for four years (each) along with fine of Rs.10,000/- (each) for the offence punishable under Section 308 IPC and in default of payment of fine to undergo simple imprisonment for the period of three months (each). All the appellants were further sentenced to undergo RI for six months (each) along with fine of Rs.1000/- (each) for the offence under Section 323/34 IPC and in default of payment of fine to undergo SI for



seven days (each). Out of the fine amount deposited, 50% was directed to the paid to the complainant as compensation.

2. The background facts as noted by the trial court are:

“2. On 20.03.2015, at about 9:00pm, Suman (the complainant) was present at her home. That time, the complainant heard some noises coming from outside. She came out and saw that all the accused were standing outside her house and on seeing her, they started abusing her. She tried to make them understand but Inderjeet @Sonu (the accused no.3) stated "tu gali ki pradhan banti aaj hum tujhe sabak sikha dete hai" and hit the danda, which he already carried in his hand, on her head. Sanju (the accused no.1) and Kamal (the accused no. 2) caught hold of her. The accused no.3 and Rajni (the accused no.4) started beating her. The accused no. 4 gave blow on her head with the sharp object. The complainant raised alarm. In response thereto, her minor children i.e. her son Jai Prakash @Babloo and her daughter Pooja came outside her house and tried to rescue her but all the accused started beating them also. Thereafter, all the accused ran away from the spot. Complainant made a call at phone no. 100.”

3. The trial court framed charge under Section 308//323/34 IPC, to which the appellants pleaded not guilty and prayed for trial.

4. The prosecution had examined nine witnesses in total in support of its case. Ms Suman Tiwari, the complainant, was examined as PW-3, who deposed that on 20.03.20215 at about 9.00PM, while she was present at her house, Sanju and Rajni were abusing her outside her house. When she tried to assuage them, they started saying *“to gali ki pradhan banti aaj hum tujhe sabak sikha dete hain”*. She further deposed that while Sanju and Kamal caught hold of her, Inderjit gave *danda* blow on her head and Rajni started beating her. Rajni also hit her head with a sharp object. She raised an alarm, upon which her son Jai Prakash @ Babloo and her daughter Pooja came out



to rescue her, however, all the accused fled away from the spot. Thereafter, she made a call to the police at 100 number.

5. The prosecution also examined *Jai Prakash*, son of the complainant, as PW-7, who witnessed the appellants beating his mother. He stated that while *Inderjit* was having *danda*, *Rajni* was carrying an iron rod, which was sharp. When he and *Pooja*, daughter of the complainant, tried to rescue the complainant, all the appellants started beating them.

6. *Pooja*, the daughter of the complainant was examined as PW-8, who deposed on the similar lines as PW-7.

7. SI Krishan Kumar, the IO of the case, was examined as PW-6. He deposed that the medical opinion regarding the injury suffered by *Jai Prakash* and *Pooja* was opined to be simple in nature. He further stated that the injuries on all the accused were opined to be simple.

8. Dr Mukesh Manda, Chief Medical Officer, BJRM Hospital, Jahangir Puri, Delhi, who was examined as PW-2, exhibited the MLC (Ex. PW2/A) of the complainant. The final medical opinion on the injury was simple was proved through Dr Deepak Chug, who was examined as PW-9.

9. The presence of the appellants has been specifically stated by all the witnesses. Their testimonies stands corroborated by their respective MLCs. All the appellants denied the prosecution case. The appellant *Sanju*, in his statement recorded under Section 313 Cr.P.C. stated that the dispute was going on between the complainant and *Rajni* and he tried to intervene. *Inderjit* in his statement under Section 313 Cr.P.C., also stated that the complainant was abusing *Rajni*. They also examined defence witnesses.



10. This Court, after going through the testimonies of the complainant and her two children, finds the same to be consistent and credible. Their testimonies also finds corroboration from their respective MLCs.

11. Accordingly, this court finds no reason to interfere with the conclusion arrived at by the trial court.

12. At this stage, Mr Dhan Mohan, learned counsel for the appellant, on instructions of the appellants, submits that they do not wish to press the appeal on merit and rather they be considered for release on probation. It is stated that while the appellants Sanju and Kamal are not involved in any other case, Rajni and Inderjit were implicated in another case by the complainant of the present case, which is pending trial.

13. Mr Dhan Mohan further stated that all the appellants have paid find.

14. Learned APP, on instructions of IO, affirms the aforesaid position.

15. As per the nominal roll placed on record, all the appellants have undergone substantial sentence. The Social Investigation Report (SIR) of all the appellants have also been handed over and taken on record.

16. As per SIR of the appellant- *Sanjay @ Sanju*, his mental and physical condition is stated to be normal. He stated to be maintaining normal social behaviour and a teetotaler. It is stated that he is working in his son's mobile shop and is earning Rs.15,000/- a month. He is stated to have constructed a plot measuring 50 sq.yds. and he is staying at the second floor of the house. He is living along with his wife and two children namely, one daughter and a son. The appellant is now stated to be not involved in any other case and in the opinion of the Probation Officer, the appellant has a positive and optimistic view of life and wishes to live according to the disciplined norm



of the society. Further, he is stated to have potential for growth both in his behaviour and social interactions. Upon overall assessment, the Probation Officer observed that the appellant is a suitable candidate for being released on probation.

17. The SIR of the appellant-*Kamal* states that he also appears to be living in accordance with normal social behaviour, does not consume alcohol or any intoxicating substance and does not have the habit of smoking. His mental and physical conditions appear to be normal and he has no external influences. It is stated that he is presently working at a bike modification show in Karol Bagh and earns Rs.8500/- per month. His house is constructed on a plot admeasuring approximately 32 sq.yds. The overall condition of the residence is average and it is equipped with only basic facilities. The appellant is stated to be residing with his wife and a daughter aged 9 years old. The economic condition of the appellant is stated to be not very good. On an overall assessment, the Probation Officer has observed that the appellant has stable family support, no criminal history and has scope for reform and rehabilitation. Probation Officer has recommended the appellant be considered for release on probation.

18. The SIR of appellant-*Inderjit @ Sonu* states that he is aged 37 years, and is a graduate. He is working as a delivery boy and earns about Rs.10,000/- a month. During interaction, his behaviour appears to be in accordance with normal social behaviour. He is stated to not consuming alcohol or any intoxicating substance and also does not have the habit of smoking. The appellant is residing on a plot admeasuring 35 sq.yds. and is stated to be sole bread earner for his family, which consists of wife, two



daughters and one son. Upon overall assessment, the Probation Officer has observed that though the complainant resided in his neighbourhood, however, lodged another case against him. Probation officer, however, has opined that the appellant has potential growth both in his behaviour and social interactions and desires to live according to the disciplined norms of the society. Probation Officer has recommended his case for release on probation.

19. The SIR of the appellant-*Rajni* states that she is aged about 54 years and is describes as having calm nature and a simple woman who wants to take care of her family. Her mental and physical condition appears to be normal and does not have any external influence. She is running a tea stall in front of Max Hospital, Shalimar Bagh and earns around Rs.10,000/- per month. Her husband is a tempo driver. She has three daughters and one son. She is residing in a rented house on a plot admeasuring approximately 32 sq.yds. During the interview, the officer also met two neighbours, who stated that they have known the appellant for many years and believed that she is a person of good moral conduct. The appellant stated that the complainant resided in her neighbourhood and has implicated her in another case. The Probation Officer has found the appellant has a positive and optimistic approach to life and wishes to live according to the disciplined norms of society. The character of her family appears to be normal. The Probation Officer assessed that the appellant is potential for growth in both her behaviour and her social interactions. The Probation Officer recommended her release on probation.



20. 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. Vs. State of Punjab & Anr.,¹, has extended the benefits of the Probation Act even to convicts who had not completed the mandatory minimum sentence of seven years as prescribed in Section 397 IPC.

21. Pertinently, in the present case, the appellants stand convicted only for the offence punishable under Section 308/323/34 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.

22. Having regard to the submissions advanced on behalf of the appellants, their family circumstances, the favourable observations recorded in the Social Investigation Report, their satisfactory jail conduct and the prolonged pendency of the proceedings, this Court is persuaded that the ends of justice would be met by adopting a reformatory approach. Accordingly, while upholding the judgment of conviction and the order on sentence, the substantive sentence of imprisonment imposed upon the appellants is modified to the extent that they will be released on probation of good conduct under Section 4 of the Probation of Offenders Act, 1958, upon furnishing a probation bond in the sum of Rs.10,000/- with one surety of the like amount, to the satisfaction of the Trial Court, within five weeks from today. The appellants shall remain on probation for a period of one year and

¹ (2021) 2 SCC 763



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shall maintain peace and good behaviour during the said period and shall not commit any offence.

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

24. The appellant has voluntarily undertaken to deposit the compensation amount within a period of eight weeks. Upon such deposit, the Trial Court shall ensure that the same is released to the victim at the earliest.

25. The appeal stands disposed of in the above terms.

26. The bail bonds furnished on behalf of the appellants shall stand cancelled, and the sureties shall stand discharged accordingly.

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

MANOJ KUMAR OHRI
(JUDGE)

DECEMBER 22, 2025

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