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

+ **CRL.A. 736/2017**

GANCHUILUNG GANGMEI

.....Appellant

Through: Mr. Siddharth Pandit and Mr.
Shubham Sharma, Advocates.

versus

STATE OF NCT OF DELHI & ANR

.....Respondents

Through: Ms. Shubhi Gupta, APP for State with
SI Ankita Singh PS Safdarjung
Enclave.

Mr. Trideep Pais, Senior Advocate for
the victim with Ms. Seema Misra, Ms.
Saloni Ambastha and Ms. Sakshi Jain,
Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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05.08.2025

1. By way of the present appeal, the appellant seeks to assail the judgement of conviction dated 11.04.2017 and order on sentence dated 17.05.2017, passed by ASJ, Saket Court, Delhi, in SC No. 52/2015 arising out of FIR No. 415/14 registered under Section 376 IPC at P.S. Safdarjung Enclave.

Vide order on sentence, the appellant was directed to undergo rigorous imprisonment for a period of 7 years and fined for Rs. 2,00,000/- in default thereof, to undergo simple imprisonment for a period of 1 year for the offence punishable under Section 376 IPC. The benefit of Section 428 Cr.P.C. was provided to the appellant.



2. Pithily put, the case of the prosecution is that the prosecutrix invited the appellant and few other people to a dinner party on 24.05.2014 at her residence, where she lived alone. While the appellant initially left her house around 1:00 AM, he returned at approximately 6:00 AM and had drinks with the prosecutrix and her cousin. After the cousin left, the appellant requested the prosecutrix to keep her bedroom door open on the pretext that he needed the air conditioner from her room, as he was resting in the hall. Between 7:30 AM and 8:30 AM, the appellant allegedly entered her room and had sexual intercourse with her, without her will or consent. The incident was reported to the police on 31.05.2015, leading to the registration of the present FIR.

3. A total of 17 prosecution witnesses were examined, including the Prosecutrix (PW-1) whose testimony was found to be consistent and duly corroborated by the testimonies of her fiancé (PW9), cousin (PW10), and mother (PW8). The medical evidence was supported by Dr. Nikita Kumari (PW-13), who proved the Medico-Legal Certificate (Ex. PW1/B) and the medico-legal examination report of sexual violence (Ex. PW1/K), and Dr. R.K. Savana (PW-15), who testified regarding the medical records (Ex. PW1/J colly). The data retrieved from mobile phones as forensic evidence, was exhibited as Ex. P2 and Ex. P3. The statement of the appellant was recorded under Section 313 Cr.P.C., wherein he denied the prosecution case and claimed false implication. However, no defence evidence was led.

4. Learned counsel for the appellant states, on instructions, having undergone the entire sentence under Section 376 and being aware of the consequences, the appellant does not wish to press the present appeal on merits. In this regard, he has drawn the attention of the Court to the nominal



roll, as per which the appellant has completed his entire sentence, including earned remission of 1 year 2 months and 11 days as on 21.03.2022.

5. Learned APP appearing for the State, while also referring to the nominal roll states that the convict was released on 21.03.2022 upon completion of his sentence. A copy of the nominal roll dated 27.07.2025 under the signatures of Superintendent of Prison, Central Jail No.3, Tihar, New Delhi has been placed on record, as per which the convict has paid the fine in jail on 21.03.2022 vide receipt number 12733.

6. Learned Senior Counsel appearing for the victim draws the attention of the Court to the order on sentence, where the fine recovered from the appellant was directed to be released as compensation to the victim. He further states, on instructions, that the compensation has not been received by the victim.

7. Keeping in view the import of the order on sentence, the fine deposited by the appellant is directed to be released to the victim upon verification.

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

9. In view of the above, the appeal stands disposed of as not pressed, along with pending applications, if any.

MANOJ KUMAR OHRI, J

AUGUST 5, 2025/rd