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

+ CRL.A. 1208/2016

DEEPAK RATHI

.....Appellant

Through: In person

versus

STATE (NCT) OF DELHI

.....Respondent

Through: Mr.Pradeep Gahalot, APP for State

+ CRL.A. 989/2016

VIJAY SINGH @ KALA

.....Appellant

Through: Mr. Harsh Prabhakar, Advocate

(DHCLSC) with Mr. Dhruv Chaudhary,

Mr.Shivam Sourav and Mr. Vijit Singh, Advocates  
with appellant in person

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr.Pradeep Gahalot, APP for State

+ CRL.A. 1005/2016

LAXMAN @ KALI

.....Appellant

Through: Mr.Dhananjai Kaushal, Advocate with  
appellant in person

versus

THE STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr.Pradeep Gahalot, APP for State

**CORAM:**

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

**ORDER**

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**14.10.2025**

1. The present appeals are filed under Section 374 Cr.P.C. by the appellants assailing the judgment and order on sentence dated 20.09.2016 passed by ASJ-03, Saket Courts, Delhi in Sessions Case No. 19/2014 arising out of FIR No.271/2010 registered at P.S. Saket, Delhi under Sections



308/34 IPC.

The appellants were convicted for the offences punishable under Sections 308/34 IPC and sentenced to undergo SI for 4 years. The appellants- *Vijay Singh* and *Laxman* are directed to pay a compensation of Rs.1 lakh each to the injured, in default whereof would undergo further SI for 6 months. The benefit of Section 428 CrPC was granted to the appellants.

The sentence of appellant/*Deepak Rathi* was suspended during the pendency of the present appeal by this court vide order dated 21.12.2016.

The sentence of appellant/ *Vijay Singh* was suspended during the pendency of the present appeal by this court vide order dated 14.12.2016.

The sentence of appellant/*Laxman* was suspended during the pendency of the present appeal by this court vide order dated 10.05.2018.

2. In support of its case, the prosecution examined 12 witnesses. The material witnesses include the complainant, who is the brother of the injured was examined as PW-2. He deposed that on 26.09.2010, he, his brother *Rahul*(PW-3), and his friend *Amit* were visiting a nearby park after dinner when they encountered the accused, *Laxman*, *Om Prakash*, *Vijay*, and *Deepak*, standing near the gate of the park. *Laxman* called them over and, when PW-3 inquired about the matter, he was slapped by him. Thereafter, *Om Prakash* joined in, and they began beating PW-3. PW-2 and *Amit* attempted to intervene, during which *Deepak* and *Vijay* fought with PW-2 and *Amit*, while *Laxman* and *Om Prakash* continued attacking PW-3. *Laxman* struck PW-3 on the head with a stone, causing serious injury, and *Deepak* inflicted internal and leg injuries on PW-2. PW-2 managed to escape and called the police, but the accused fled. PW-3 was subsequently



found lying injured and unconscious near a drain and was taken to the hospital, where he remained in the ICU for seven days. A sum of Rs.3,50,000/- was spent on treating PW-3. PW-3, *Rahul*, deposed along similar lines, corroborating the account of PW-2.

3. A perusal of the record indicates that the testimony of the complainant and the injured is consistent, cogent, and trustworthy. Both witnesses correctly identified the appellants in Court. Further, it is noted that the injuries sustained were opined to be dangerous in nature by PW-9 and PW-12. These injuries are consistent with the assault as described by the eyewitnesses. Nothing was brought on record to substantiate the defence's claim of animosity with one Nitin Choudhary or of false implication. The prosecution, however, has established beyond reasonable doubt, through the consistent and credible accounts of the eyewitnesses and the medical evidence, that the appellants deliberately and jointly caused grievous injuries to the victims. the conviction of the appellants is upheld qua the offence under section 308/34 IPC.

4. At this stage, learned counsels appearing for the appellants- *Vijay Singh* and *Laxman*, have stated, on instructions, that all the appellants do not wish to press the present appeal on merits and pray that they be released on the period already undergone by them. The appellant/*Deepak Rathi*, present in person, has also joined in the request and prays for to be released on period already undergone by him.

5. The appellant/*Deepak Rathi*, is aged about 32 years, stated to be a caddie and the sole breadwinner of his family, which comprises of his wife, a son, sister, and aged parents. The appellant/*Vijay Singh*, is aged about 34 years, is unmarried, and both parents have expired. The appellant/*Laxman*, is



aged about 36 years, stated to be the sole breadwinner of his family, which comprises of his wife and 2 children. Learned counsel for the appellants- *Vijay Singh* and *Laxman* submits, on instructions, that the appellants undertake to deposit the fine within 4 weeks.

6. Learned APP for the State, on instructions, submits that the appellants are not involved in any other case and in this regard has handed over a status report for the appellants- *Vijay Singh* and *Laxman* which is taken on record.

7. The appellants have faced trial since the year 2010. As per the nominal roll dated 10.10.2025, the appellant/*Deepak Rathi* is not involved in any other case and his conduct has been reported as satisfactory. As per the nominal roll dated 12.10.2025, the appellant/*Vijay Singh* is not involved in any other case and his conduct has been reported as satisfactory. As per the nominal roll dated 07.05.2018, the appellant/ *Laxman* has undergone about 2 years 2 months including remission earned, his conduct has been reported as satisfactory.

Keeping in view the facts and circumstances noted hereinabove, the substantive sentences of the appellants in the present appeals are hereby modified to the periods already undergone by them. The sentence of fine however, shall remain as it is. The appellants- *Vijay Singh* and *Laxman* shall pay the compensation imposed upon them within a period of 4 weeks before the Trial Court, failing which they will undergo the default sentence. The receipt be furnished with the I.O.

8. Subject to deposit of compensation amount, wherever applicable, the present appeals are partly allowed and disposed of in the above terms.



9. A copy of this order be communicated to the concerned Jail Superintendent as well as to the Trial Court for information and necessary compliance.

**MANOJ KUMAR OHRI, J**

**OCTOBER 14, 2025**

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