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

+ CRL.A. 1041/2018

KAILASH

.....Appellant

Through: Mr. Shafiz Khan, Ms. Anjani Suri,
Advocates

versus

STATE

.....Respondent

Through: Ms. Shubhi Gupta, APP for State

75

+ CRL.A. 1043/2018

SATPAL

.....Appellant

Through: Mr. Shafiz Khan, Ms. Anjani Suri,
Advocates

versus

STATE

.....Respondent

Through: Ms. Shubhi Gupta, APP for State

76

+ CRL.A. 1044/2018

NIRANKARI

.....Appellant

Through: Mr. Shafiz Khan, Ms. Anjani Suri,
Advocates

versus

STATE

.....Respondent

Through: Ms. Shubhi Gupta, APP for State

77

+ CRL.A. 1045/2018

GOVIND

.....Appellant



Through: Mr. Shafiz Khan, Ms. Anjani Suri,
Advocates

versus

STATERespondent
Through: Ms. Shubhi Gupta, APP for State

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
19.12.2025

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1. The present appeals have been preferred under Section 374(3) of the Code of Criminal Procedure, 1973, assailing the judgment of conviction dated 27.09.2018 and the order on sentence dated 28.09.2018, passed by the learned Additional Sessions Judge, Central District, Tis Hazari Courts, Delhi, in Sessions Case No. 27650/2016, arising out of FIR No. 47/2013, registered at Police Station Nabi Karim, under Sections 323/308/34 IPC.
2. Vide the impugned order on sentence, the appellants herein, namely Kailash, Satpal, Govind and Nirankari, were sentenced to undergo rigorous imprisonment for a period of two years along with a fine of Rs.5,000/- each for the offence punishable under Section 308/34 IPC, and rigorous imprisonment for four months along with a fine of Rs.5,000/- each for the offence punishable under Section 323/34 IPC. In default of payment of fine, further sentences of imprisonment were directed. Both the sentences were directed to run concurrently, and the benefit of Section 428 Cr.P.C. was extended to the appellants.



3. Vide order dated 13.12.2018 the appellants were granted suspension of sentence during the pendency of the appeals.

4. The case of the prosecution, in brief, is that on 13.03.2013, at about 5:00 PM, during the marriage procession of Pradeep, son of the complainant Prem Nath, an altercation took place near Sat Narain Mandir, Nabi Karim. It was alleged that the appellants, namely Kailash, Satpal, Govind and Nirankari, along with another co-accused, attempted to forcibly enter the temple while the ladies of the family were inside. Upon being objected to, the appellants allegedly assaulted the complainant Prem Nath and his family members using iron rods and stones, resulting in injuries to Prem Nath, Shyam Sunder and Mahesh. The appellants were charged under Sections 323/308/34 IPC, to which they pleaded not guilty and claimed trial.

5. During the course of trial, the prosecution examined several witnesses, including the injured persons, in order to establish the occurrence. PW-1 Prem Nath, the complainant and an injured witness, deposed that on the date of the incident, during the marriage function of his son, the appellants forcibly attempted to enter the temple and, upon being restrained, assaulted him and other family members with iron rods and stones. His testimony was corroborated by PW-2 *Shyam Sunder*, who supported the prosecution version in all material particulars and deposed regarding the presence and active participation of the appellants in the assault. PW-4 Ashok and PW-6 Mahesh also supported the prosecution case and affirmed that the appellants were armed and assaulted the injured persons during the incident. The testimonies of these witnesses are consistent and inspire confidence. The medical evidence



further lends corroboration to the ocular version. PW-9 Dr. Shaili Tomar proved the X-ray report of the injured, while PW-10 Dr. Bimlesh Thakur and PW-11 Dr. Abhishek Anand proved the respective MLCs of the injured persons. As per the medical record, the injuries sustained were opined to be simple in nature.

After the prosecution evidence was closed, the statements of the appellants were recorded under Section 313 Cr.P.C., wherein they denied all incriminating circumstances and claimed false implication. In defence, the appellants examined one witness, DW-1 Raees, who sought to support their version; however, his testimony does not inspire confidence, as he admitted that he had not witnessed the entire incident and was unable to give a coherent account of the occurrence.

6. Upon a reappraisal of the record, this Court finds no reason to doubt the presence of the appellants at the spot or their participation in the incident. The testimonies of the injured witnesses inspire confidence. Their version is duly corroborated by the medical evidence, which lends further assurance to the prosecution case. It is also evident from the record that the incident occurred in the backdrop of a sudden altercation that took place during a marriage function and was not the result of any premeditated or pre-planned act.

7. At this stage, the appellants, who are present before the Court, submit that they do not wish to press the appeal on merits. Learned counsel for the appellants, on instructions, submits that they pray that the sentence imposed upon them be modified to the period already undergone. Further, it is submitted that none of them are involved in any other case. Learned counsel for appellant/*Kailash* states that he is 55 years old, living with his old aged mother and



works in a general store. Learned counsel submits on behalf of appellant/*Satpal* that he is a 47 years old, having three daughters and a wife, he sells flowers for a living. Learned counsel submits on behalf of appellant/*Nirankari* that the appellant is 63 years old having five children and his wife to look after. He sings at “*Jagrans*” for a living. Learned counsel submits on behalf of appellant/*Govind* that he is 52 years old having 4 sons and his wife to look after. He makes school bags for a living. It is also submitted that all four have paid the fine amount and the receipts with respect to that is on record.

8. Learned APP for the State has handed over the status reports as well as the nominal rolls in respect of the appellants, which are taken on record. The same confirm that the appellants have no criminal antecedents.

9. Having regard to the overall facts and circumstances of the case, the absence of any previous criminal antecedents, the passage of time since the incident, the familial responsibilities each appellant has, this Court is of the considered view that the ends of justice would be met by modifying the sentence awarded to the appellants to the period already undergone, while maintaining the conviction recorded by the Trial Court. It is further noted that the appellants have complied with the sentence imposed by the Trial Court insofar as payment of fine is concerned, and the entire fine amount has already been deposited.

10. Accordingly, while the conviction of the appellants namely *Kailash*, *Satpal*, *Govind* and *Nirankari* under Sections 323/34 and 308/34 IPC is upheld, the sentence imposed upon them is modified to the period already undergone.



11. The appeals are partly allowed in the above terms and stand disposed of. Pending applications, if any, also stand disposed of.

12. The bail bonds furnished by the appellants stand cancelled and their sureties are discharged.

13. A copy of this judgment be forwarded to the concerned Trial Court and the Superintendent of Jail concerned for information and necessary compliance.

MANOJ KUMAR OHRI, J

DECEMBER 19, 2025

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