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

+ CRL.A. 1123/2018

RAVI @ SUKHBIR

.....Appellant

Through: Mr. Anuraj Jain, Advocate with
Appellant in person

versus

STATE (GOVT OF NCT OF DELHI)

.....Respondent

Through: Mr. Mukesh Kumar, APP for State
with WSI Khushi, PS Mandir Marg

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

10.07.2025

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1. The present appeal filed under Section 374 read with Section 482 of the Code of Criminal Procedure, 1973¹ assails judgment dated 18th October, 2018 and order on sentence dated 31st October, 2018 passed by the Additional Sessions Judge (Special Fast Track Court), Patiala House Court in Sessions Case No. 9113/2016. The said proceedings arise from FIR No. 164/2014 registered under Sections 323/342/376 of the Indian Penal Code, 1860² IPC at P.S. Mandir Marg. By the impugned order, while the Appellant was acquitted under Sections 342 and 376 of IPC, he was convicted under Section 323 of IPC and sentenced to undergo rigorous imprisonment for a period of 6 months along with fine of INR 1,000/-.

2. Briefly stated, the case of the prosecution is as follows:

¹ "Cr.P.C"



2.1. The FIR was lodged on the basis of a complaint filed by the prosecutrix, who was then residing with her minor daughter in a government accommodation, which had been provided through an acquaintance. She was separated from her husband and was undergoing divorce proceedings. During this period, she came into contact with the Appellant and developed a physical relationship with him, allegedly premised on his assurance of marriage. On 18th June, 2014, at around 7:00 PM, the Appellant visited her residence. Upon the Complainant confronting him about his commitment to marriage, the Appellant reportedly deferred the conversation, expressing reluctance to commit at that juncture. The Complainant then asked him to leave. It is the prosecution's case that the Appellant, instead, physically assaulted her, forcibly snatched her mobile phone, wrongfully confined her inside a room and allegedly committed rape on three to four occasions during the said period. The Complainant contacted the police on the following day, i.e., 19th June, 2014. The FIR was registered, and upon completion of investigation, a chargesheet was filed against the Appellant under Sections 376(2)(n), 342, and 323 IPC. Charges were accordingly framed and the matter proceeded to trial.

2.2. Upon appreciation of evidence led during trial, the Trial Court acquitted the Appellant of the charges under Sections 376 and 342 IPC, noting inconsistencies and contradictions in the Complainant's statements, which rendered the prosecution's version doubtful in respect of the more serious allegations. However, the Court found the evidence sufficient to hold the Appellant guilty under Section 323 of IPC for voluntarily causing hurt during the course of the altercation. Accordingly, by the impugned order on

² "IPC"



sentence dated 31st October, 2018, the Appellant was sentenced to undergo rigorous imprisonment for a period of 6 months along with a fine of INR 1,000/-.

3. The Appellant, who is present in person, states that that he does not wish to challenge the conviction on merits; his limited prayer is for modification of the sentence, seeking reduction to the period already undergone. In support of this plea, the Appellant submits that he is the sole earning member of his family, which comprises his aged mother, his wife and three children. He further submitted that his elder son, aged 13 years, recently met with an accident, while the other two children are minor daughters. His income is modest and primarily derived from agricultural activities.

4. The Court has considered the afore-noted facts and contentions and perused the material on record. It is noted that the sentence imposed by the Trial Court was suspended by this Court by order dated 2nd November, 2018 and the Appellant was released on bail. The said order further records that the Appellant remained in custody during the investigation and trial from 19th June, 2014 to 28th August, 2014 and was again taken into custody on 31st October, 2018, thereby having undergone approximately two and a half months of incarceration. It is also noted that the Appellant has already deposited the fine amount imposed by the Trial Court.

5. The Appellant is the sole earning member an economically weak family comprising his elderly mother, wife and three children, including a son recovering from a serious accident and two minor daughters. The limited agricultural income of the family underscores their fragile financial condition. It is pertinent to note that there has been no allegation of misuse



of liberty during the pendency of the appeal, and the fine amount has been duly paid. Viewed cumulatively, these mitigating circumstances warrant a sympathetic consideration for reduction of the sentence to the period already undergone. In the considered view of this Court, continued incarceration at this stage would disproportionately burden his dependent family members and serve no further penological purpose of deterrence or reformation.

6. For the sake of clarity, it is emphasized that the present modification of sentence should not be construed as a diminution of the seriousness of the offence for which the Appellant stands convicted. The reduction merely reflects exercise of judicial discretion, informed by the peculiar facts and humanitarian considerations arising in this case.

7. In view of the above, the appeal stands disposed of in the aforesaid terms. The bail bonds furnished by the Appellant are cancelled and the sureties stand discharged.

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

SANJEEV NARULA, J

JULY 10, 2025/ab