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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.REV.P. 71/2026, CRL.M.(BAIL) 193/2026

MANOJ KUMAR YADAV

...Petitioner

Through: Mr. Bhuwaneshwar Tyagi,
Advocate

versus

GOVT OF NCT OF DELHI & ANR.

...Respondents

Through: Mr. Raghuinder Verma, APP for
the State with Mr. Aditya Vikram
Singh and Ms.Divya Bakshi,
Advocates with ASI Om Prakash,
PS: Sarai Rohilla

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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02.04.2026

1. By virtue of the present petition under *Section 528* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (***BNSS***), the petitioner seeks setting aside of the order dated 07.01.2026 (***impugned order***) passed by the learned ASJ-04, Central District, Tis Hazari Courts, Delhi (***learned Appellate Court***) in Criminal Appeal No.137/2022 entitled '*Manoj Kumar Yadav vs. State*' whereby it has upheld the judgment on conviction dated 31.03.2021 and order on sentence dated 28.05.2022 passed by the learned MM-04, Central District, Tis Hazari Courts, Delhi (***learned Trial Court***) convicting the petitioner under *Sections 279/304A* of the Indian Penal Code, 1860 (***IPC***) and awarding simple imprisonment for a cumulative period of *four months* alongwith fine of Rs.10,000/-, in default whereof, further simple imprisonment for a period of *ten days* in the case arising out of FIR No.335/2009 dated 23.12.2009 at PS: Sarai Rohilla.



2. At the very outset, without advertng to the merits of the present petition, learned counsel for the petitioner submits that out of the total sentence of *four months* awarded to the petitioner, he has already undergone more than *three months*, and as of today, he has less than *20 days* of simple imprisonment remaining to undergo. Learned counsel further submits that though no monetary compensation has been awarded in favour of the family of the deceased by the learned Trial Court, the petitioner is willing to deposit any amount(s) deemed appropriate by this Court as compensation to the family of the deceased. Based thereon, and relying upon the decision of the Hon'ble Supreme Court in ***Puttaswamy vs. State of Karnataka & Anr.:(2009) 1 SCC 711***, he prays that the sentence awarded to the petitioner be reduced to the period of incarceration already undergone by him and the petitioner be directed to be released.

3. Learned APP for the State also submits that in view of the aforesaid assertions, though the offence is under *Sections 279/304A IPC*, he has no objection if the sentence awarded to petitioner is reduced to the period of imprisonment already undergone by him.

4. Upon hearing learned counsel for the petitioner and learned APP for State and carefully perusing the record, as also the case of ***Puttaswamy (supra)***, this Court is of the view that in the facts and circumstances involved herein, the ends of justice would be met if the sentence of simple imprisonment for a cumulative period of *four months* under *Sections 279/304A IPC* awarded to the petitioner is reduced to the period of incarceration already undergone by him, in lieu of the family of the



deceased receiving a reasonable compensation for the emotional and mental agony caused to them by the negligent act(s) of the petitioner.

5. Accordingly, the conviction of the petitioner under *Sections 279/304A* IPC is upheld; however, the sentence awarded to him *vide* order on sentence dated 28.05.2022 by the learned Trial Court of simple imprisonment for a cumulative period of *four months* under *Sections 279/304A* IPC in the case arising out of FIR No.335/2009 dated 23.12.2009 at PS: Sarai Rohilla, as upheld by the learned Appellate Court *vide* the impugned order, is partially modified to simple imprisonment for the period already undergone by him in judicial custody, subject to payment of a fine of Rs.20,000/- to be deposited by the petitioner before the learned Trial Court within a period of *four weeks* from his release, which shall then be released in favour of the family of the deceased by the learned Trial Court.

6. However, in case of default of the aforesaid payment of fine, the present petition shall be dismissed and the petitioner shall be liable to be sent back into judicial custody to complete the period of sentence of simple imprisonment as awarded by the learned Trial Court.

7. The present petition is disposed of in the aforesaid terms.

8. A copy of the present order be sent to the Jail Superintendent for information and necessary compliance.

SAURABH BANERJEE, J.

APRIL 2, 2026/So