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

+ CRL.REV.P. 234/2026 & CRL.M.A. 11561/2026, CRL.M.(BAIL)
777/2026

SACHIN TEWATIA @ SUNN1

.....Petitioner

Through: Mr. Sohil Sharma with Mr. Rahul
Vidhiya, Mr. Shaurya Verma and Mr.
Lakshya Bhardwaj, Advocates.

versus

THE STATE (GOVT OF NCT OF DELHI) AND ANR

.....Respondents

Through: Mr. Kiran Bairwa, APP for the State
with SI Vinod Kumar, P.S.: Mehrauli.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **16.04.2026**

CRL.REV.P. 234/2026

By way of the present revision petition filed under sections 438/442 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner impugns judgment dated 12.03.2026, whereby the learned Sessions Court has dismissed an appeal filed by the petitioner challenging judgment of conviction dated 15.11.2022 and sentencing order dated 30.11.2023 passed by the learned Magistrate in proceedings emanating from case FIR No. 2869/2015 registered at P.S.: Mehrauli, Delhi.



2. *Vidé* judgment of conviction dated 15.11.2022, the petitioner was convicted for the offence under section 323 of the Indian Penal Code 1860 ('IPC'), while being acquitted for the offences under sections 354/354B/506(I)(II)/506(9)/451 of the IPC. By sentencing order dated 30.11.2023, the petitioner was sentenced to simple imprisonment of 03 months alongwith compensation of Rs.5,000/- to be paid to the complainant within 01 week, with a default simple imprisonment of 30 days.
3. By impugned judgment dated 12.03.2026, the learned Sessions Court has dismissed the appeal; whereafter the petitioner was taken into judicial custody, where he is stated to have served about 01 month of imprisonment.
4. Learned counsel for the petitioner argues, that a perusal of the evidence of the injured witnesses, namely PW-1 (son) and PW-2 (mother), would show that there are inconsistencies in their depositions; and that it is inconceivable that at the time when the two were allegedly assaulted by the petitioner, which was around mid-day in a busy locality, no one came to their rescue. To this end, counsel has taken the court through the depositions of PW-1 and PW-2 recorded on 06.12.2019 and 21.09.2019 respectively.
5. Counsel has also drawn attention to the MLC of PW-1 conducted at Jai Prakash Narayan Apex Trauma Center on 25.10.2015, namely on the date of the offence, to argue that the MLC only records certain abrasions on the scalp near the left parietal region; and opines that the injury was 'simple'.



6. Counsel submits, that in the circumstances, the judgment of conviction is flawed and the sentence of 03 months of simple imprisonment is disproportionate.
7. It is seen that in the impugned judgment, the learned Sessions Court has dismissed the appeal with the following essential reasoning:

“9. Respondent/complainant (PW1) categorically deposed that on 25.10.2015 at about 12.50 PM, appellant/convict hit some sharp weapon on the head of the complainant from the back side while he was driving scooter and when he fell down, appellant/convict hit front side of his head on the wall and blood started oozing from his head. PW1 further deposed that thereafter, appellant/convict kicked him on his chest and even gave fist blows on his stomach and all over the body. PW1/complainant further deposed that since the incident took place in front of his house, his mother saw the incident and came to rescue him. It is stated that when the mother of the complainant intervened, appellant/convict abused her and beat her and also pressed her neck. PW1 deposed that none from the locality came to rescue him. He deposed that when he was in hospital, he received call from his brother that mother of accused Sachin has visited their residence and has threatened to kill him, his brother and his mother, in case, complainant registers case against the appellant/convict. The mother of the appellant/convict also threatened them to implicate them in false cases and will not let them stay in Saidulajab.

“10. In the similar manner, PW2 ‘M’, who is mother of the injured/complainant deposed that on 25.11.2015, she saw appellant/convict beating his son upon which she rushed for help. She categorically deposed that appellant/convict strangled her neck and threatened that he will kill her and complainant and would implicate them in false case. She categorically deposed that in the night of the same day, accused came to her house and misbehaved with her and she some how managed to escape from his clutches and came outside the room. Her statement U/s 164 Cr.P.C. was recorded by the Ld. Magistrate. She correctly identified the appellant/convict.

“11. Even in the cross examination of PW2, she deposed that she heard cries of his son and came out and saw appellant/convict beating his son. It may be mentioned that in the entire cross examination of PW1 and PW2, no specific suggestion has come



from the appellant side to negate the allegation of beating the complainant or her mother. In the statement U/s 313 Cr.P.C. also appellant/convict did not take any particular defence except of the case being a false case. Moreover, appellant/convict opted not to examine any witness in his defence. Since PW2 is also the additional eye witness to the incident in addition to PW1, her testimony bears sufficient weight-age. The testimony of PW1 is consistent and corroborative to PW2 and shows that the allegations of beatings are genuine and bonafide and even the same stands supported with the MLC of the complainant. The gravity of the assault can be determined from the very fact that the assault was made on the head of the complainant twice from back by hitting an object and thereafter by banging the forehead of the complainant on the wall. As regards, the other allegations pertaining to the other sections, the same have been decided vide impugned judgment on conviction and appellant/convict is not aggrieved thereof. As regards, quantum of sentence, it may be mentioned that the FIR pertains to year 2015 which went into trial for about 7 years and concluded in 2022. Considering the facts of long trial, age of the appellant/convict and other circumstances, Ld. Trial Court has already taken a lenient view by awarding nominal and reasonable sentence of simple imprisonment only for 3 months, against the provided punishment of one year for the offence U/s 323 IPC as per law without imposing any fine. Even a meagre amount of compensation of Rs.5000/- has been imposed as sentence, that too, shall be released to the complainant for the injuries and trauma suffered by him.”

(emphasis supplied)

8. Upon a perusal of the impugned judgment, it is noticed that the learned Magistrate has acquitted the petitioner of the offences under sections 354/354B/506(I)(II)/509/451 of the IPC; and has only convicted the petitioner for the offence under section 323 of the IPC.
9. Furthermore, the offence under section 323 of the IPC of voluntarily causing hurt is *punishable upto one year* or with fine or with both. However, the learned Magistrate has sentenced the petitioner to simple imprisonment of *only 03 months alongwith fine of Rs.5,000/-* to be paid to the complainant within 01 week, with a default simple imprisonment of 30 days.



10. In appeal, the learned Sessions Court has upheld the conviction and the sentence.
11. Upon a conspectus of the foregoing, and after hearing learned counsel for the petitioner, and on perusing the impugned judgment, this court finds nothing remiss in the correctness, legality or propriety of the impugned judgment, that would call for any interference by this court in its revisional jurisdiction.
12. The revision petition is accordingly dismissed at the stage of issuance of notice itself.
13. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J.

APRIL 16, 2026
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