



2026:DHC:1073



\$~SB-1 to SB-3

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

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Date of Decision: 09.02.2026+ **CRL.A. 239/2025**

ARJUN SINGH @ PARTH DEVNATHAppellant
Through: Mr. Anuj Kapoor, Mr.
Nandeesh Nanda & Mr.
Shivom Sethi, Advs.
Appellant produced from
Central Jail No. 1 through
V.C.

versus

STATE (NCT OF DELHI)Respondent
Through: SI Ravi Yadav, PS
Govindpuri.

+ **CRL.A. 582/2025 & CRL.M.A. 13616/2025,
CRL.M.(BAIL) 957/2025**

ARJUN SINGH @ PARTH DEVNATHAppellant
Through: Mr. Anuj Kapoor, Mr.
Nandeesh Nanda & Mr.
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Appellant produced from
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versus

STATE (NCT OF DELHI)Respondent
Through: SI Ravi Yadav, PS
Govindpuri.

+ **CRL.A. 1038/2025 & CRL.M.A. 21257/2025**

ARJUN SINGH @ PARTH DEV NATHAppellant
Through: Mr. Anuj Kapoor, Mr.
Nandeesh Nanda & Mr.
Shivom Sethi, Advs.

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Appellant produced from
Central Jail No. 1 through
V.C.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. The present appeals are filed challenging the following judgments respectively:

1.1. *CRL.A. 239/2025* has been filed against the judgment on conviction dated 09.04.2024 and order on sentence dated 09.01.2025 passed by the learned Trial Court in SC No. 1138/2016 arising out of FIR No. 960/2013 registered at Police Station Govind Puri for offences under Sections 328/379/411/34 of the Indian Penal Code, 1860 ('IPC').

1.2. *CRL.A. 582/2025* has been filed against the judgment on conviction dated 09.04.2024 and order on sentence dated 09.01.2025 passed by the learned Trial Court in SC No. 1137/2016 arising out of FIR No. 138/2014 registered at Police Station Govind Puri for offences under Sections 328/379/34 of the IPC.

1.3. *CRL.A. 1038/2025* has been filed against the judgment on conviction dated 28.09.2024 and order on sentence dated 20.03.2025 passed by the learned Trial Court

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in SC No. 1846/2016 arising out of FIR No. 42/2014 registered at Police Station Chitranjan Park for offences under Sections 328/379/411/34 of the IPC.

2. Briefly, the respective FIRs were registered against the Appellant essentially pertaining to the allegations of theft.

3. The Appellant appears through video conferencing from Central Jail No. 1, Tihar Jail pursuant to directions issued by order dated 07.02.2026. On being asked, it is submitted that the Appellant does not wish to press challenge to the impugned judgments and that he will be satisfied if the respective sentences of the Appellant are commuted to the period already undergone by him in the respective cases. Affidavit indicating the mitigating circumstances has also been placed on record.

4. It is further submitted that the Appellant belongs to a poor strata of the society. The family of the Appellant comprises of his parents who are more than 70 years old and are suffering from multiple old age-related ailments and a brother, who works as a rickshaw-puller in Agartala and is struggling to look after the parents, his own children, his own wife as well as the Appellant's minor child due to financial crisis. As the affidavit manifests, the marital life of the Appellant has also suffered due to his arrest and the wife of the Appellant has left her matrimonial home. The affidavit further indicates that they are facing severe financial hardships and even the school going son of the Appellant has been suffering due to the condition of the family and their relations with the society.



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5. During the course of arguments, the learned Additional Public Prosecutor for the State had submitted that considering the mitigating circumstances, he had no objection if the sentences of the Appellant are commuted to the period already undergone by him in the respective cases.

6. From the record, the particulars of the impugned sentences and the period of sentence already undergone by the Appellant in the respective cases emanates as follows:

<i>Sl. No.</i>	<i>Case No.</i>	<i>FIR No.</i>	<i>Particulars of conviction</i>	<i>Sentence</i>	<i>Status as on 29.01.2026</i>
1.	CRL.A. 239/2025	FIR No. 960/2013 PS- Govind Puri	Judgment on conviction dated 09.04.2024 Order on sentence dated 09.01.2025	<i>u/s 328 IPC</i> – RI 6 years and fine of ₹20,000, in default of fine SI for 60 days <i>u/s 379 IPC</i> – RI 2 years and fine of ₹5,000/- and in default of fine, SI for 20 days <i>u/s 411 IPC</i> – RI 2 years and fine of ₹5,000, and in default of fine SI 20 days.	Was undergoing sentence in this case as per the last nominal roll dated 04.07.2025 Sentence completed on Sept/Oct 2025.

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2.	<i>CRL.A. 582/2025</i>	<i>FIR No. 138/2014</i> <i>PS- Govind Puri</i>	<i>Judgment on conviction dated 09.04.2024 Order on sentence dated 09.01.2025</i>	<i>u/s 328 IPC – RI 6 years and fine of ₹20,000/- and in default of fine SI 60 days.</i> <i>u/s 379 IPC – RI 3 years and fine of ₹5,000/- and in default of fine, SI 20 days.</i>	<i>Period in custody as undertrial: 4 years 10 months and 11 days</i> <i>Remaining sentence has not commenced yet.</i> <i>Appln. for suspension of sentence is still pending before the coordinate Bench</i> <i>(NDOH- 10.02.2026)</i>
3.	<i>CRL.A. 1038/2025</i>	<i>FIR No. 42/2014</i> <i>PS- Chitranjan Park</i>	<i>Judgment on conviction dated 28.09.2024 Order on sentence dated 20.03.2025</i>	<i>u/s 411/75 IPC – RI 6 years and fine of ₹5,000/- and in default of fine, SI 30 days</i>	<i>Period in custody as undertrial: 4 years 1 Month 11 days.</i> <i>Remaining sentence has not commenced yet.</i>

7. On such a conspectus of facts, this Court is now faced with a conundrum as to whether the respective sentences of the

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Appellant ought to be commuted to the period already undergone by him. The table produced *supra* indicates that the Appellant has already undergone the sentence in FIR No. 960/2013 [CRL.A. 239/2025] and only the sentence in default of payment of fine is pending.

8. In FIR No. 42/2014 [CRL.A. 1038/2025], the Appellant has already undergone more than 4 years and 1 months of imprisonment out of the total awarded sentence of 6 years. Similarly, in FIR No. 138/2014 [CRL.A. 582/2025] the Appellant has already undergone more than 4 years and 11 months of imprisonment out of the total awarded sentence of 6 years.

9. It is apparent that the Appellant has already undergone a substantial portion of his sentence in FIR Nos. 138/2014 and 42/2014. It is also relevant to note that no minimum sentence is prescribed for the offences under Sections 379 or 328 of the IPC.

10. At this juncture, this Court deems it apposite to take note of the reformatory purpose of sentencing as well as the mitigating circumstances. It is pertinent to note that the aspect of sentencing is not merely a mechanical endeavour. The same demands a balancing of the nature of the offence, the overarching principles of criminal jurisprudence as well as the circumstances of the offender. In the present case, as noted above, the appellant is stated to belong to a poor strata of the society and the family of the Appellant is also stated to have been suffering from financial hardships. The Appellant is also responsible to provide for his family which comprises his old and ailing parents, wife and a minor child.



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11. In the peculiar circumstances of the case and considering the circumstances as listed above, this Court is of the opinion that no purpose would be served by subjecting the Appellant to undergo further incarceration. In the opinion of this Court, interests of justice would be met if the sentence imposed upon the Appellant is reduced to the period already undergone by him in the respective cases, however, maintaining the sentence for payment of fine.

12. In view of the above, without interfering with the conviction of the Appellant in the respective cases, the respective sentences are reduced to the imprisonment already suffered by the Appellant and fine as imposed by the learned Trial Court.

13. The total fine amount of ₹60,000/- is directed to be deposited by the Appellant within three months from the date of his release and in default of payment of the same to undergo simple imprisonment of 20 days in each FIR.

14. The present appeals are disposed of in the aforesaid terms. Pending applications also stand disposed of.

15. The Appellant is directed to be released from custody forthwith. The bail bond and sureties, if any, furnished by the Appellant shall stand discharged.

16. In view of the foregoing, the date already fixed in Crl. A. 582/2025 i.e. 10.02.2026 stands cancelled.

17. A copy of the order be placed in all the matters.

AMIT MAHAJAN, J

FEBRUARY 9, 2026/“SK”

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