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

\# **CNR No. DLHC010415342026**

\+ CRL.A. 873/2026, CRL.M.A. 27297/2026 & CRL.M.(BAIL) 1684/2026

ARMAN .....Appellant

Through: Mr. Nishant Anand, Advocate (DHCLSC) with Ms. Gunjan Bansal, Mr. Naman Singhal, Mr. Rubal Mongia, Mr. Tarun Choudhary, Adv.

versus

THE STATE (GOVT OF NCT), DELHI .....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for State with SI Chandar Pal Singh, ASI Ram Chander, PS Tigri.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

O R D E R

% 02.11.2026

1. This appeal arises out of the judgment dated 28th January, 2026 and the order on sentence dated 25th February, 2026, passed by the ASJ-05, South District, Saket Courts, New Delhi, in SC No. 334/2024, arising from FIR No. 113/2024 registered at P.S. Tigri. The Appellant was convicted under Section 394 IPC and sentenced to rigorous imprisonment for two years, with a fine of INR 2,000/-, and, in default of that payment, to undergo further rigorous imprisonment for two months.

2. At the outset, Mr. Nishant Anand, counsel for the Appellant, on instructions, submits that the Appellant does not press the challenge to his conviction and confines the appeal to the question of sentence. He seeks reduction of the substantive term of imprisonment to the period already undergone, having regard to the Appellant's young age, family

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circumstances and the substantial period spent in custody.

3. The conviction stems from an incident dated 7th February, 2024, when the complainant, who was working at a food stall, was robbed and assaulted. The Trial Court found that the Appellant repeatedly assaulted the complainant with a wooden fatta, while his associate, a child in conflict with law, inflicted injuries with a knife. The injuries sustained by the complainant were opined simple. Although, charge under Section 397 IPC was also framed, it was held that the provision could not be invoked against the Appellant, as the knife was used exclusively by his associate and not by him. The Appellant was, accordingly, convicted only under Section 394 IPC.

4. Mr. Anand submits that the Appellant is a young man from a family of modest means. His father, a tailor, is presently supporting the household. Both his parents are suffering from health ailments. His younger brother, aged about 16 years, is pursuing education. Before incarceration, the Appellant learnt sound-related work with his elder brother. It is urged that his continued incarceration has placed an additional burden on the family and that, upon release, he wishes to resume work and assist his family.

5. The Nominal Roll as on 16th September, 2026, records that the Appellant had undergone 1 year, 1 month and 9 days of incarceration. He also earned remission of 3 days. Since then, the Appellant has, as on 2nd November, 2026, undergone approximately 1 year, 2 months and 26 days of the substantive sentence of 2 years. His overall jail conduct and his conduct during the last 1 year are reported to be satisfactory.

6. The Court has also considered the circumstances weighing against the Appellant. The offence involved an assault upon a person earning his livelihood at a food stall, and the Appellant played an active part in it. The

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record further shows that the Appellant failed to surrender upon expiry of the 30 day extension of bail granted to him after conviction in the present case. During the period that followed, FIR No. 205/2026 was registered against him on 3rd July, 2026, in which he was taken into judicial custody. He was, thereafter, taken into custody in the present case on 15th July, 2026, to serve the remaining sentence. The Nominal Roll also records FIR No. 244/2022 as a pending case. Neither of the two pending cases has resulted in a conviction. His overall jail conduct, as well as his conduct during the preceding year, is reported to be satisfactory.

7. Having considered the record and the submissions, the Court finds that a reduction of the substantive sentence is warranted. The Appellant was in his early twenties when the offence occurred. The injuries sustained by the complainant were simple, and the knife blows were inflicted by the Appellant's associate. The Appellant has already undergone a substantial part of the sentence of 2 years, and his conduct in custody has been satisfactory. His family circumstances and his stated intention to return to work also merit consideration. In the particular facts and circumstances of the case, this Court considers it appropriate to afford the Appellant an opportunity to reintegrate into society and resume his family responsibilities, instead of requiring him to serve the unexpired portion of the sentence.

8. Accordingly, while maintaining the conviction under Section 394 IPC, the substantive sentence of rigorous imprisonment for 2 years is reduced to the period already undergone. The fine of INR 2,000/- imposed by the Trial Court and the sentence of rigorous imprisonment for two months in default of its payment shall remain undisturbed.

9. The appeal is partly allowed in the above terms. The Appellant shall

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be released from custody in the present case upon payment of the fine of INR 2,000/- or, in default of payment, upon completion of the default sentence of rigorous imprisonment for 2 months, provided he is not required in any other case. The pending application also stands disposed of.

10. Copy of this order be communicated to the concerned Jail Superintendent and the Trial Court, for necessary information and compliance.

SANJEEV NARULA, J

NOVEMBER 2, 2026/ab

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