



2026:DHC:875



IN THE HIGH COURT OF DELHI AT NEW DELHI

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*Judgment reserved on : 07.01.2026
Judgment pronounced on : 03.02.2026*

+ **CRL.A. 460/2025 & CRL.M.A. 10798/2025**

CHANDESHWAR ALIAS SUNILAppellant

versus

STATE GOVT. OF NCT OF DELHIRespondent

+ **CRL.A. 1098/2025**

CHANDESHWAR @ SUNILAppellant

versus

STATE NCT OF DELHIRespondent
Through:

+ **CRL.A. 809/2025 & CRL.M.(BAIL) 1246/2025**

CHANDESHWAR ALIAS SUNILAppellant

versus

THE STATE NCT OF DELHIRespondent
Through:

+ **CRL.A. 845/2025**

CHANDESHWAR ALIAS SUNILAppellant

versus



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THE STATE GOVT OF NCT DELHIRespondent
Advocates who appeared in this case:

For the Petitioner : Mr. Vishesh Wadhwa, Ms. Swadha Gupta
& Mr. Aditya Singh, Advs.

For the Respondent : SI Lokesh Kumar, PS Govind Puri.

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HON'BLE MR JUSTICE AMIT MAHAJAN

JUDGMENT

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

1.1. CRL.A. 460/2025 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 Indian Penal Code, 1860 ('IPC').

1.2. CRL.A. 1098/2025 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 IPC.



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1.3. CRL.A. 809/2025 has been filed against the judgment on conviction dated 23.12.2024 and order on sentence dated 15.02.2025 passed by the learned Trial Court in SC No. 164/2024 arising out of FIR No. 263/2023 registered at Police Station Safdarjung Enclave for offences under Sections 328 and 379/75 of the IPC.

1.4. CRL.A. 845/2025 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 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. The learned counsel for the appellant, at the outset, 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.

3. It is contended on behalf of the appellant that the appellant belongs to a poor strata of the society. The family of the appellant comprises of his wife, who as the affidavit manifests, is suffering from



respiratory ailments and the appellant also has to provide for his two minor children who are stated to be 2 and 4 years of age. The affidavit indicates that the appellant is the breadwinner of the family and that they are facing severe financial hardships.

4. 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.

5. 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:

Sl. No.	Case No.	FIR No.	Particulars of conviction	Sentence	Period undergone
1.	CRL.A. 460/2025	FIR No. 138/2014 PS- Govind Puri	Judgment on conviction dated 09.04.2024 Order on sentence dated 09.01.2025	u/s 328 IPC – RI 6 years and fine of ₹20,000, in default of fine SI for 60 days u/s 379 IPC –	Sentence completed on 01.12.2025, sentence in default of fine pending.



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				RI 3 years and fine of ₹5,000/- and in default of fine, SI for 20 days	
2.	CRL.A. 1098/2025	FIR No. 960/2013	Judgment on conviction dated 09.04.2024 Order on sentence dated 09.01.2025	u/s 328 IPC – RI 6 years and fine of ₹20,000/- and in default of fine SI 60 days. u/s 379 IPC – RI 2 years and fine of ₹5,000/- and in default of fine, SI 20 days. u/s 411 IPC – RI 2 years and fine of ₹5,000, and in default of fine SI 20 days.	Sentence undergone: 5 years 2 months 12 days (as on 02.01.2026), sentence in default pending. Sentence suspended <i>vide</i> order dated 19.09.2025.
3.	CRL.A. 809/2025	FIR No. 263/2023	Judgment on conviction	u/s 328 IPC – RI 7 years and	Sentence undergone

Signature Not Verified

Signed By: SHIRSHA
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Signing Date: 03.02.2026
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			dated 23.12.2024 Order on sentence dated 15.02.2025	fine of ₹25,000/- and in default of fine, RI 6 months u/s 379/75 IPC – RI 10 years.	while trial: 2 years 3 months, Remaining Sentence to commence after completion of sentence in FIR No. 960/2013.
4.	CRL.A. 845/2025	FIR No. 42/2014	judgment on conviction dated 28.09.2024 Order on sentence dated 20.03.2025	u/s 379/75 – RI 6 years and fine of ₹5,000/- and in default of payment of fine SI for 30 days.	Sentence undergone: 5 years 10 months 23 days (as on 02.01.2026). Sentence suspended <i>vide</i> order dated 19.09.2025.

6. On such a conspectus of facts, this Court is now faced with a conundrum as to whether the respective sentences of the appellant ought to be commuted to the period already undergone by him. The



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table produced *supra* indicates that the appellant has already undergone the sentence in FIR No. 138/2014 [CRL.A. 460/2025] and only the sentence in default of payment of fine is pending. Similarly, in FIR No. 960/2013 [CRL.A. 1098/2025], the appellant has already undergone more than 5 years and 2 months of imprisonment out of the total awarded sentence of 6 years. The sentence in CRL.A. 1098/2025 was suspended by this Court *vide* order dated 19.09.2025. In FIR No. 42/2014 [CRL.A. 845/2025], out of the total awarded sentence of 6 years, the appellant has already undergone imprisonment for around 5 years 10 months 23 days. The sentence in CRL.A. 845/2025 was also suspended *vide* order dated 19.09.2025. It is apparent that the appellant has already undergone a substantial portion of his sentence in FIR Nos. 960/2013 and 42/2014.

7. Insofar as FIR No. 263/2023 is concerned, it is pertinent to note that the appellant was directed to undergo rigorous imprisonment for a period of 10 years for the offence under Section 379/75 of the IPC. The appellant was also directed to undergo rigorous imprisonment for a period of 7 years alongwith fine for a sum of ₹25,000/- for the offence under Section 328 of the IPC. The sentences were directed to run concurrently and the appellant is stated to have undergone incarceration for a period of approximately 2 years and 3 months out of the total awarded sentence. It is relevant to note that no minimum sentence is prescribed for the offences under Sections 379 or 328 of the IPC. While an enhanced punishment was awarded to the appellant,



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 is the sole bread earner of the family. The appellant is also responsible to provide for his family which comprises his ailing wife and two minor children.

8. 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.

9. 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.

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



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11. The appellant is directed to be released from custody forthwith. The bail bond and sureties furnished by the appellant shall stand discharged.

12. A copy of the judgment be placed in all the matters.

AMIT MAHAJAN, J

FEBRUARY 3, 2026
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