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

\# **CNR No. DLHC010815032016**

\+ **CRL.A. 267/2016**

SHIEKH MUJIFUL @ MOHAIN .....Appellant

Through: Mr. Ravi Tikania, Adv. *(through VC)*

versus

STATE .....Respondent

Through: Ms. Meenakshi Dahiya, APP with Ms. Vanshika Singh and Ms. Apoorva Khosla, Advs.
SI Dhananjay Gupta, PS Kirti Nagar

CORAM:
HON'BLE MS. JUSTICE MADHU JAIN

O R D E R

% 28.10.2026

1. This hearing has been conducted through hybrid mode.

2. The present criminal appeal has been preferred under Section 374 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'CrPC'), challenging the judgment of conviction dated 24.11.2015 and the order on sentence dated 28.11.2015, passed by the learned Additional Sessions Judge-05, West District, Tis Hazari Courts, Delhi, in ***Sessions Case No. 12/2015* (*Old No. 72/2008*)**, arising out of ***FIR No. 25/2008***, registered at Police Station Kirti Nagar, West District, Delhi. *Vide* the impugned judgment, the appellant was convicted for the offences punishable under Sections 395 read with Section 34 and 412 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC'). *Vide* the order on sentence, the appellant was sentenced to

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undergo rigorous imprisonment for a period of ten (10) years along with a fine of ₹2,000/- for the offence punishable under Section 395 read with Section 34 IPC and rigorous imprisonment for a period of three (3) years along with a fine of ₹1,000/- for the offence under punishable Section 412 IPC. In default of payment of the respective fines, the appellant was directed to undergo simple imprisonment (SI) for a period of one (1) month on each count. Both substantive sentences were directed to run concurrently.

3. Learned counsel for the appellant, appearing through video conferencing (vc) submits, that the appellant does not wish to challenge his conviction under Section 395 read with Section 34 IPC and Section 412 IPC, and confines his submissions only to the sentence awarded by the concerned learned Trial Court. He accordingly prays that a lenient view be taken, considering that the appellant has already undergone more than five (5) years of imprisonment.

4. The learned counsel further submits that the appellant is married, has three children and is the sole breadwinner of his family.

5. Keeping in view the facts and circumstances of the case, particularly the period of imprisonment already undergone by the appellant, the appellant is sentenced to the period already undergone by him for the offences punishable under Section 395 read with Section 34 of the IPC and Section 412 IPC. The fines of ₹2,000/- and ₹1,000/-, respectively, as imposed by the concerned learned Trial Court, shall remain unaltered. The period of simple imprisonment (SI) prescribed in default of payment of each fine is, however, reduced from one month to fifteen (15) days.

6. Accordingly, the present criminal appeal stands disposed of.

7. Pending application(s), if any, also stand(s) disposed of.

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8. Interim order(s), if any, also stand(s) vacated.

9. A copy of this order be sent to the concerned Jail Superintendent as well as the concerned learned Trial Court for information and necessary compliance.

10. The order be uploaded on the website *forthwith*.

MADHU JAIN, J

OCTOBER 28, 2026/b/PG

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