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

% ***Date of Decision : 26.11.2026***

\# **CNR No.DLHC010562032026**

\+ **CRL.A. 1160/2026**

SAHJADA @ RAVI .....Appellant

Through: Mr. Shailesh Chandra, Advocate.

versus

STATE GOVT OF NCT OF DELHI .....Respondent

Through: Mr. Hemant Mehla, APP for the State along with Mr. Mayank Chaudhary and Mohd. Naved, Advocates.

CORAM:
HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

CRL.M.A. 36500/2026 (Exemption from filing certified copies of annexures)

1. The present application is disposed of with the direction to file certified/true typed copies of annexures before the next date of hearing.

CRL.M.A. 36501/2026 (16 Days Delay In Filing Appeal)

2. This is an application filed on behalf of the petitioner seeking condonation of delay in filing the present appeal.

3. Considering the averments made in the application, the same is allowed. The delay of 16 days in filing the present appeal stands condoned.

4. Application stands disposed of.

CRL.A. 1160/2026

5. Appeal is admitted.

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6. Let the digitised trial Court record (TCR) be requisitioned and the same be placed on record before the next date of hearing.

7. List in due course.

CRL.M.(BAIL) 2251/2026 (For Suspension Of Sentence)

8. By way of the present application filed under Section 430 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 389 and 482 of the Code of Criminal Procedure), the applicant/appellant seeks suspension of sentence.

9. The present applicant/appellant was convicted on 31.08.2026 under Sections 307/394/24 of the Indian Penal Code, 1860, by the learned ASJ-05, Patiala House Courts, New Delhi, in Sessions Case (SC) No. 476/2018. Accordingly, the applicant/appellant was sentenced on 08.09.2026 in the following manner:

> *"Considering the mitigating circumstances and settled law, I am of the considered view that ends of justice would be served if CONVICTS ISHTIYAK, SALAUDDIN, AND **SHAHZADA** are being sentenced as under:*
> *Under section 307 IPC- Sentenced to **undergo simple imprisonment for seven years and to pay fine of Rs. 20,000/- each**. In default of payment of fine, convicts shall further undergo, simple imprisonment for six months.*
> *Under Section 394 IPC- Sentenced to **undergo simple imprisonment for five years and to pay fine of Rs. 10,000/- each**. In default of payment of fine, convict shall further undergo, simple imprisonment for three months.*
> *Out of total fine to be deposited by all the convicts i.e., Rs. 90,000/-, Rs. 75,000/- shall be given to complainant as compensation and remaining Rs. 15,000/- shall be given to State towards the expenses incurred in the present case.*
> *Fine not paid.*
> ***All the sentences shall run concurrently**."*
>
> (emphasis supplied)

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10. As per the Nominal Roll, placed on record, the applicant/appellant has remained in custody for 3 years, 11 months, and 26 days, as on 09.11.2026. Since it is ordered by the learned trial Court that the sentences shall run concurrently, the applicant/appellant is sentenced to a maximum period of seven (7) years of simple imprisonment.

11. Considering the totality of circumstances, the sentence deserves to be suspended for the following reasons:

a. the sentence is for a fixed term. The Supreme Court has time and again held that in the context of a fixed-term sentence, prayers for suspension of sentence should be considered liberally, unless there are exceptional circumstances. In this regard, reference can be made to the decision of the Supreme Court in ***Bhagwan Rama Shinde Gosai v. State of Gujarat,*** **(1999) 4 SCC 421**, wherein the Court observed as under:

> *"3.* ***When a convicted person is sentenced to a fixed period of sentence and when he files an appeal under any statutory right, suspension of sentence can be considered by the appellate court liberally unless there are exceptional circumstances****. Of course, if there is any statutory restriction against suspension of sentence it is a different matter. Similarly, when the sentence is life imprisonment the consideration for suspension of sentence could be of a different approach.* ***But if for any reason the sentence of a limited duration cannot be suspended every endeavour should be made to dispose of the appeal on merits more so when a motion for expeditious hearing of the appeal is made in such cases. Otherwise the very valuable right of appeal would be an exercise in futility by efflux of time. When the appellate court finds that due to practical reasons such appeals cannot be disposed of expeditiously the appellate court must bestow special concern in the matter of suspending the sentence so as to make the appeal right, meaningful***

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and effective. *Of course, appellate courts can impose similar conditions when bail is granted.*"

(emphasis supplied)

b. In ***Aasif v. State of U.P.*, 2025 SCC OnLine SC 1644**, the Supreme Court, while placing reliance on ***Bhagwan Rama Shinde Gosai (supra)***, observed as under:

> "*10. There are two types of sentence that the Trial Court can impose depending on the nature of the offence. Some orders of sentence are for a fixed term, unlike the order of sentence of life imprisonment.*
> *11. The case in hand is one of a fixed term of sentence. The maximum punishment that has been imposed is 4 years.*
> *12. Way back in 1999, this Court in "Bhagwan Rama Shinde Gosai v. State of Gujarat", (1999) 4 SCC 421 stated that* ***when a convicted person is sentenced to a fixed period of sentence and when he files an appeal under any statutory right, suspension of sentence should be considered by the Appellate Court liberally unless there are exceptional circumstances.***
> ***
> *17.* ***When the Appellate Court finds that due to practical reasons, such appeals cannot be disposed of expeditiously, the Appellate Court must show special concern in the matter of suspending the sentence so as to make the appeal right, meaningful and effective.*** *At the same time, the appellate courts can impose similar conditions when appeal is granted.*"
>
> (emphasis supplied)

c. The Supreme Court in ***Central Bureau of Investigation v. Rajendra Sadashiv Nikalje Alias Chhota Rajan @ Nana Sheth @ Sir & Anr.*, 2025 INSC 1185**, delineated two grounds for suspending the sentence: (i) fixed term of imprisonment, and (ii) likelihood of success of his appeal against conviction is very

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high. It was observed as under:

> *"9. The ambit of power under Section 389 CrPC is to protect rights of convicted-accused in those cases where the likelihood of success of his appeal against conviction is very high* ***or*** *in case,* ***where a fixed term of imprisonment is ordered, the appeal is unlikely to be heard in the near future.****"*
>
> (emphasis supplied)

d. the applicant/appellant has already undergone a significant period in custody. The same exceeds half of the sentence awarded to the applicant/appellant; and

e. the appeal is unlikely to be heard in the near future.

12. Accordingly, the sentence of the applicant/appellant is suspended during the pendency of the appeal, on his furnishing a personal bond of Rs.15,000/- with the surety of like amount to the satisfaction of the learned trial Court, subject to the following conditions:

a. The applicant/appellant shall not leave NCT of Delhi or travel out of the country without prior permission of the trial Court;

b. The applicant/appellant shall provide his permanent address to the trial Court, and also the address where he will be residing during the pendency of the appeal;

c. The applicant/appellant shall intimate the Investigating Officer (IO) and file an affidavit before the trial Court regarding any change in his residential address;

d. The applicant/appellant shall furnish his mobile number to the IO/Station House Officer (SHO) concerned, which shall be kept in working condition at all times. The mobile number shall be

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kept switched on at all times. The mobile number shall not be changed without prior intimation to the IO during the pendency of the appeal;

e. The applicant/appellant shall not directly or indirectly contact the complainant, any prosecution witness, or their family members;

f. The applicant/appellant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case, or tamper with the evidence of the case, in any manner whatsoever;

g. The applicant/appellant shall appear before this Court as and when directed; *and*

h. The applicant/appellant shall not indulge in any criminal activity during his release.

13. The present application stands disposed of in the above terms.

14. Let a copy of this order be sent to the concerned Jail Superintendent for the necessary compliance.

SACHIN DATTA, J

NOVEMBER 26, 2026//*at/vk*

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