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

% ***Date of decision: 13th October, 2025***

+ **CRL.A. 459/2025**

VINOD GUPTA

.....Appellant

Through: Mr. Pritish Sabharwal with Mr.
Sanjeet Kumar, Mr. Shiv Chopra, Ms.
Shweta Singh, Advocates.

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Nawal Kishore Jha, APP with SI
Jeet Singh

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T

CRL.M.(BAIL) 785/2025

1. This is an application under Section 430 read with Section 528 of the BNSS, 2023 seeking suspension of sentence and release of the appellant during pendency of the present appeal.

2. The incident in question is of the year 2015 and the appellant herein, who had been charge-sheeted for committing murder of one Sweety @Chanda, has been held guilty under Section 302 IPC and has been handed out life sentence, besides being burdened with fine of Rs. 30,000/-.

3. The case was registered on the basis of statement made by one Mr. Sushil Das (PW-3) who claimed that his daughter Soni (PW-1) woke him up at 1:30 A.M and informed him that accused Vinod had stabbed Sweety @ Chanda. According to him, they both i.e. accused and Sweety were residing together as tenant in the same building.

4. When he rushed to their residence, he saw that Sweety was having knife wounds and was bleeding.



5. Police was immediately informed. PCR vehicle also reached at the spot and took the injured to the hospital in PCR Van and when PCR Officials also asked her about the incident, she revealed that she had been stabbed by accused Vinod. She, eventually, succumbed to her injuries.
6. Accused was charged under Section 302 IPC and pleaded not guilty.
7. The prosecution examined 23 witnesses.
8. Accused in his statement made under Section 313 Cr.P.C pleaded innocence and denied having any relationship with Sweety.
9. According to him, Mr. Sushil Das was inimical towards him and, therefore, got him implicated in the present matter and, therefore, his daughter had also made false deposition against him.
10. Learned counsel for appellant submits that there is no eye witness of the alleged occurrence and the testimony of PW-1-Soni, PW-2-Saraswati, PW-3-Sushil Das is false and untrustworthy. He also argues that the recovery of alleged weapon of offence was not found convincing even by the learned Trial Court and the prosecution has, thus, failed to prove its case beyond shadow of doubt.
11. All such contentions have been refuted by learned APP for State who submits that the learned Trial Court was absolutely justified in holding the accused guilty. He submits that the utterances of the deceased were in the nature of dying declaration and the learned Trial Court was justified in placing reliance upon such dying declaration which clearly indicted the appellant herein. It is also argued that deceased and accused were residing in the tenanted room in question and there is no explanation coming from the side of the accused as to where was he at such dead hour of the night and that the plea of *alibi* taken by the accused has neither been proved nor even



probablised in any manner whatsoever.

12. We have given our anxious consideration to the abovesaid contentions and gone through the Trial Court Record.

13. We have, in particular, seen the statements of PW-1-Soni, PW-2-Saraswati, PW-3-Sushil Das who have clearly deposed that when they had reached the room of the deceased, she was crying to the effect that she had been stabbed by accused Vinod.

14. Keeping in mind the overall facts and testimony appearing on record, at this juncture, we do not find any compelling reason to suspend the sentence of the appellant.

15. The application is, accordingly, dismissed.

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List in due course.

**(VIVEK CHAUDHARY)
JUDGE**

**(MANOJ JAIN)
JUDGE**

OCTOBER 13, 2025/sw/SHS