



2026:DHC:544



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

Date of decision: 16th January, 2026

IN THE MATTER OF:

+ CRL.A. 756/2013, CRL.M.(BAIL) 1200/2013 & CRL.M.(BAIL) 794/2014

IMRAN HUSSAINAppellant

Through: Mr. D.K. Sharma and Ms. Seema, Advocates along with Appellant-in-person.

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Ms. Kiran Bairwa, APP for the State with SI Amit Kumar, PS Dabri. Prosecutrix in person.

CORAM:

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT (ORAL)

VIMAL KUMAR YADAV, J.

1. The Appellant was held guilty and convicted vide Judgment dated 13.05.2013 under Section 376 IPC and through Order on Sentence dated 18.05.2023, he was sentenced to undergo rigorous imprisonment for a period of 07 years with fine of Rs. 10,000/-, in default of payment of fine, simple imprisonment for a period of three months.



2. In the appeal preferred on behalf of the Appellant, his sentence was suspended to facilitate his marriage with the prosecutrix inasmuch as in the application seeking suspension of sentence dated 28.05.2013, he has categorically stated that the matter has been amicably resolved between the Appellant and the complainant/prosecutrix and they want to marry.

3. The application for suspension of sentence was supported by the prosecutrix and her affidavit was also filed alongwith the application as Annexure A-2 to the application seeking suspension of sentence, together with certain other records i.e. messages exchanged between the Appellant and the prosecutrix since they knew each other before the incident and there was some sort of familiarity if not relationship between them.

4. Considering the entire gamut of facts and circumstances, the sentence of the Appellant was suspended vide Order dated 16.09.2013 for a period of two months to facilitate the marriage between the parties, which was extended for some more time.

5. Subsequently, another application for regular suspension of sentence dated 16.04.2014 was moved with the prayer that the sentence may be suspended inasmuch as the parties got married on 13.12.2013 according to Special Marriage Act, 1954 and the parties have started cohabitating with each other as husband and wife. As such the sentence was suspended.



6. Against the backdrop of these facts and circumstances, the Appellant alongwith the prosecutrix has appeared before the Court and submitted that they are residing as husband and wife happily and peacefully and have been blessed with three children. The Appellant wants, to which the prosecutrix has no objection, that the appeal may be disposed of in view of developments as aforesaid, the sentence awarded may be reviewed and may be reduced to the period of custody already undergone by the Appellant, inasmuch as the judgment of conviction is no longer challenged.

7. The prosecutrix, who is now the wife of the Appellant and has appeared in Court today, duly identified by the learned counsel for the Appellant, supported the Appellant and filed an affidavit alongwith documents qua her identity and about her three children born out of the wedlock with the Appellant, has categorically stated that the prayer of the Appellant to reduce the sentence, may be considered in view of the peculiar facts and circumstances as has been sought by the Appellant as well.

8. Having gone through the contents of the affidavit filed today by the prosecutrix, the earlier application for suspension of sentence and the supporting documents i.e. marriage certificate and the factum of marriage being verified by the State/Police as has been found mentioned in the Order dated 15.07.2014, there appears no reason to derail the life of the Appellant



and the prosecutrix. As jointly submitted by them that they are living happily and peacefully with their children, so a case is made out for sympathetic consideration.

9. The Nominal Roll filed on record reflects that out of the 07 years of sentence, the Appellant has already spent 01 year and 18 days in custody.

10. In view of the aforesaid facts and circumstances, specially taking into account the matter in its entirety, particularly in view of the fact that the parties knew each other before the incident and had some kind of infatuation or relationship atleast from the side of the Appellant and that the things went wrong when once the Appellant refused to marry the prosecutrix. Now that they are not only married, but are living with their three children, happily and peacefully, as stated by both of them. Therefore, the matter requires intervention, especially on the aspect of sentence. In any case, the judgment of conviction is not being assailed now and the contentions are confined to the aspect of sentence awarded to the Appellant only.

11. In the interest of justice, it seems appropriate to reduce the sentence to the period already undergone by the Appellant, inasmuch as the statute also provides that in the special circumstances and for valid and appropriate reasons, a lesser sentence can be awarded then the minimum sentence.



12. The instant case, appears to be one such case where such intervention is required. As such, considering the entire gamut of facts and circumstances, especially the fact the Appellant and the prosecutrix are now married for the last about 12 years, having three children aged about 11, 6 and 3 years old respectively, living happily and peacefully, having no complaint or apprehension put forth by the prosecutrix which goes in favour of reduction of sentence of the Appellant. Whereas, on the other hand, if it is declined, then the normal life of not only the Appellant and the prosecutrix would be derailed, but would jeopardize the well being of the children also. The survival and settled life of the prosecutrix and her children would suffer beyond repairs.

13. As such, considering the entire gamut of facts and circumstances, the judgment of conviction is upheld and maintained, whereas the Order on Sentence dated 18.05.2023 stands modified to the extent that period of custody already undergone by the Appellant shall be treated as substantive sentence as that would be sufficient to meet the ends of justice in the peculiar circumstances of the case.

14. The appeal stands disposed of accordingly.

VIMAL KUMAR YADAV, J

JANUARY 16, 2026/akc