



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

Date of Decision: 23rd April, 2026

IN THE MATTER OF:

+ CRL.A. 1102/2013

SANJAY CHAUDHARY

.....Appellant

Through: Mr. Anindya Malhotra, Advocate
(DHCLSC).

versus

STATE

.....Respondent

Through: Mr. Mukesh Kumar, APP for State
with SI Arti Singh, PS Begumpur.

CORAM:

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT (ORAL)

VIMAL KUMAR YADAV, J.

1. *“What God has achieved through the Ten Commandments,
Man has failed to achieve in millions of laws”*

-William Pitt

Men made laws have failed to do comprehensive, complete and acceptable justice. The provision of amendments introduced in various Statutes are ample proof of the vulnerability of Statutes. Incidentally, no amendment can be claimed to be the last, howsoever, latest it may be. As such, some sort of mechanism is in practically every Statute to take care of unforeseen and incomprehensible situations. It reflects the limitations of human comprehension and foresight and of the legal provisions. And that seems to be the reason that one or the other provision is there in the Statutes to take care of such situations. The discretionary provisions and flexibility



provided to the Courts are all aimed to secure the ends of justice, real, substantial, comprehensive and acceptable to not only the contesting sides, but the general conscience of the society too.

2. While relying upon the judgment of the Apex Court in ***K. Kirubakaran vs. State of Tamil Nadu***, 2025 SCC OnLine SC 2307 and ***Sandeep Singh Thakur vs. State of Madhya Pradesh***, 2025 SCC OnLine SC 2927, it is submitted that, the instant appeal is a fit case where the extraordinary jurisdiction of this Court should be invoked to do the substantial and effective justice, befitting in the facts and circumstances of the instant case.

3. The Appellant was held guilty under Sections 363/365/366/376 Indian Penal Code 1860 (IPC) vide Judgment dated 19.07.2013 and was sentenced to undergo Rigorous Imprisonment for a period of 10 years and to pay a fine of Rs. 8,000/- and in default of payment of fine, he was to further undergo Rigorous Imprisonment for a period of 2 years for the offence punishable under Section 376 IPC. He was also sentenced to undergo Rigorous Imprisonment for a period of 7 years and to pay a fine of Rs. 4,000/-, and in default of payment of fine, he was to further undergo Rigorous Imprisonment for a period of 1 year for the offence punishable under Section 363 IPC. He was further sentenced to undergo Rigorous Imprisonment for a period of 7 years and to pay a fine of Rs. 4,000/-, and in default of payment of fine, he was to further undergo Rigorous Imprisonment for a period of 1 year for the offence punishable under Section 365 IPC. Additionally, he was also sentenced to undergo Rigorous Imprisonment for a period of 7 years and to pay a fine of Rs. 4,000/-, and in default of payment of fine, he was to further undergo Rigorous Imprisonment for a period of 1 year for the offence punishable under



Section 366 IPC vide Order on Sentence dated 20.07.2013. All sentences were to run concurrently.

4. The appeal preferred on behalf of the Appellant, was supported by the prosecutrix by way of an affidavit placed on record, wherein it was stated that she has no objection if the FIR in question or the order on sentence was set aside, inasmuch as she had married the Appellant and was residing separately from her family owing to their disapproval of the relationship. The said position was taken note of at the relevant stage and considering the peculiar facts and circumstances of the case, the sentence of the Appellant was suspended vide order dated 19.11.2013, subject to conditions.

5. Subsequently, it has been brought on record that the Appellant and the prosecutrix have solemnized their marriage and are residing together as husband and wife. It has further been placed on record that they have been cohabiting for a considerable period and have been blessed with 03 children out of the said wedlock, thereby reflecting the existence of a stable and settled domestic life.

6. Against this backdrop, the Appellant along-with the prosecutrix has appeared before the Court and it has been submitted that they are living together peacefully as a family. The prosecutrix, who is now the legally wedded spouse of the Appellant, has unequivocally supported him and has stated that she has no objection if the appeal is disposed of by modifying the sentence to the period already undergone.

7. The prosecutrix, duly identified in Court, has affirmed the aforesaid position and has placed reliance not only upon her earlier affidavit but also upon a subsequent affidavit placed on record, wherein she has reiterated the factum of her marriage with the Appellant and has also disclosed that they have three minor children from the said wedlock. It has been categorically



stated that she has no subsisting grievance against the Appellant and that any further incarceration would have a direct and adverse impact on their family life, particularly on the upbringing, care and welfare of their children.

8. Having considered the material placed on record, including the earlier proceedings relating to suspension of sentence, the affidavits of the prosecutrix and the document substantiating the marriage and continued cohabitation between the parties, there appears no justification to disturb the settled life now being led by them. The existence of a subsisting marital relationship, coupled with their continued cohabitation and responsibility towards their children, are relevant circumstances, which weighs in favour of consideration on the aspect of sentence.

9. The Nominal Roll filed on record reflects that the Appellant has already undergone approximately 1 year, 10 months and 7 days in incarceration, excluding the period of 28 days remission.

10. In view of the aforesaid facts and circumstances, particularly taking into account the subsequent developments, the settled relationship between the parties, and the fact that the prosecutrix herself supports the Appellant, the matter requires intervention on the aspect of sentence. In any case, the thrust of the present appeal, at this stage, stands substantially confined to the question of sentence in the light of the developments that have taken place during its pendency.

11. In the interest of justice, it appears appropriate to modify the sentence to the period already undergone by the Appellant, especially in view of the peculiar facts and circumstances and the settled life of the parties, which distinguishes the present case.

12. The instant case is one where such intervention is warranted. Considering the entire gamut of facts and circumstances, especially the fact



that the Appellant and the prosecutrix have now been married for the last about 13 years, living together and have three minor children. No grievance or apprehension has been expressed by the prosecutrix. On the contrary, refusal to grant relief would have the effect of disturbing the settled family structure and adversely impacting not only the Appellant but also the prosecutrix and their children.

13. As such, considering the entire spectrum of facts and circumstances, the judgment of conviction dated 19.07.2013 is upheld and maintained. However, the Order on Sentence dated 20.07.2013 stands modified to the extent that the period of custody already undergone by the Appellant shall be treated as the substantive sentence, which in the peculiar circumstances of the case would be appropriate to meet the ends of justice.

14. This shall, however, not be treated as precedent in any manner as confined to the peculiar set of facts of the instant case.

15. The appeal stands disposed of accordingly.

VIMAL KUMAR YADAV, J

APRIL 23, 2026/ps