



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

% Date of Decision: 10.10.2025

+ **CRL.A. 269/2022**

STATE Appellant
Through: Mr. Pradeep Gahalot, APP for State
with SI Sukhpal Singh PS Khajuri
Khas.

Versus

AMIT GAUTAM Respondent
Through: Mr. Samrat Nigam, Senior Advocate
with Ms. Arpita Rawat, Advocates.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. By way of the present appeal filed under Section 377 Cr.P.C, the State, being aggrieved by the inadequacy of the sentence imposed on the respondent by the Trial Court, seeks enhancement of the same.
2. Pertinently, the respondent faced trial in FIR No. 246/2018, under Sections 308/304 IPC lodged at P.S. Khajuri Khas, Delhi. In brief, the case against him was that on 17.05.2018, the respondent had inflicted fist blows on the face and head of the deceased, who was his mother, as a result of a quarrel. The brother, who was the complainant tried to intervene and save the deceased but failed. The deceased expired on 21.05.2018 and the cause of death was coma as a result of ante-mortem injury to head produced by blunt force impact.



3. The respondent was convicted for the offence punishable under 304 Part II IPC vide judgement dated 03.03.2020 and vide order on sentence dated 04.03.2020, he was sentenced to undergo rigorous imprisonment (RI) for a period of 5 years and a fine of Rs. 15,000/-, in default whereof, he was directed to undergo simple imprisonment (SI) for three months. Benefit of Section 428 Cr.P.C. was extended to him.

As per the nominal roll dated 10.10.2025, the respondent was released from jail on 13.02.2023, having undergone the entire sentence and also having paid the fine.

4. Pertinently, the state had also challenged the conviction of the respondent under Section 304 Part II vide CRL.L.P. 282/2022, contending it to be a case attracting Section 304 Part I. The leave petition came to be dismissed by a co-ordinate bench of this Court vide judgement dated 07.02.2024.

5. The present appeal is restricted to the aspect of the sentence awarded to the respondent.

6. Learned APP for the State submits that the sentence awarded by the Trial Court is grossly inadequate and ought to be enhanced, as the deceased was the respondent's own mother and a crime of matricide is one of the most abhorrent crimes and is deserving of a harsher penalty.

7. Learned Senior Counsel for the respondent submits that the sentence imposed by the trial court needs no interference as the same was passed after considering all the relevant factors. He submits that the respondent belongs to the poor strata of society and has no criminal antecedents and the act in question occurred in the heat of the moment and was not premeditated. Reliance is placed on the decision of Supreme Court in



Panneer Selvam v. State of Tamil Nadu¹

8. Sentencing is governed by principle of proportionality. A just and appropriate sentence has to be determined by giving due consideration to the facts and circumstances of each case, to ensure deterrence and correction. There has to be delicate balancing of the aggravating and the mitigating factors and the circumstances revolving around the crime, keeping in view the gravity of the offence. Any one factor, whether aggravating or mitigating, cannot by itself be determinative of the sentence. In *State of MP v. Suresh* (Supra), the Trial Court, while convicting the accused under Section 304(II) IPC, had awarded RI for 3 years. The Supreme Court while affirming the Trial Court decision further discussed the factors governing sentencing in the following manner: -

“13. Therefore, awarding of just and adequate punishment to the wrongdoer in case of proven crime remains a part of duty of the court. The punishment to be awarded in a case has to be commensurate with the gravity of crime as also with the relevant facts and attending circumstances. Of course, the task is of striking a delicate balance between the mitigating and aggravating circumstances. At the same time, the avowed objects of law, of protection of society and responding to the society's call for justice, need to be kept in mind while taking up the question of sentencing in any given case. In the ultimate analysis, the proportion between the crime and punishment has to be maintained while further balancing the rights of the wrongdoer as also of the victim of the crime and the society at large. No straitjacket formula for sentencing is available but the requirement of taking a holistic view of the matter cannot be forgotten.

14. In the process of sentencing, any one factor, whether of extenuating circumstance or aggravating, cannot, by itself, be decisive of the matter. In the same sequence, we may observe that mere passage of time, by itself, cannot be a clinching factor though, in an appropriate case, it may be of some bearing, along with other relevant factors. Moreover, when certain extenuating or mitigating circumstances are suggested on behalf of the

¹ Decided on 21.03.2023 in SLP (Crl) No. 533/2021



convict, the other factors relating to the nature of crime and its impact on the social order and public interest cannot be lost sight of.

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9. The prosecution case is primarily based on the testimony of the complainant as no other eye witness was available. The Trial Court held that though the accused quarrelled with the deceased for property, but the act of the accused attacking the deceased by inflicting fist blows was not premeditated and pre-planned. The accused inflicted fatal injuries on the deceased in spur of moment and out of anger. Similar observations were made in the judgement of the co-ordinate bench of this Court dated 07.02.2024 while dismissing CRL.L.P. 282/2022. It was observed as follows:-

“12. On the face of record, the incident was neither pre-meditated nor the accused was armed. He did not visit the premises after making any preparation for assault. The quarrel followed by assault by fists appears to have happened on the spur of the moment over some differences regarding ancestral property. The nature of injuries as recorded in the M.L.C. and reflected in the post-mortem report appear to be largely contusions with a small incised wound and fracture of zygomatic arch. It cannot be ruled out that injury on the head may have been caused due to a hit or fall from the bed during the assault. The nature of injuries and manner of incident do not lead to an inference that the injuries were inflicted with an intention to cause death or cause injuries that were likely to cause death. However, considering the age of the deceased, it can be presumed that the respondent had knowledge that the injuries are likely to cause death. Considering the facts and circumstances of the case and for the reasons recorded above, the conviction of accused for offence punishable under Section 304 Part-II of IPC does not call for any interference by this Court.”

10. Balancing the aggravating circumstances with the mitigating factors, it is seen that the convict is aged about 46 years. He has faced trial since 2018. Nothing has been brought to the notice of this Court that the



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respondent has any other involvement. He belongs to a poor strata of society and has a family dependent on him. Considering the entire facts and circumstances, this court finds no reason to interfere with the order on sentence.

11. The appeal is dismissed.

MANOJ KUMAR OHRI
(JUDGE)

OCTOBER 10, 2025/kb
(corrected & released on 15.10.2025)