



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

% Date of Decision:12.11.2025

+ **CRL.A. 1180/2017**

SARVAR

.....Appellant

Through: Mr. A.K. Dey, Advocate with
appellant through VC.

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr Pradeep Gahalot, APP for State
with SI Mahesh Rawat PS Safdarjung
Enclave, New Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. By way of the present appeal under Section 374(2) Cr.P.C., the appellant seeks to assail the judgment of conviction dated 22.11.2017 and the order on sentence of the same date, passed by the learned Special Judge (PC Act), CBI-01, South, Saket Courts, New Delhi, in CA No. 8327/2016, arising out of FIR No. 142/2013, registered at P.S. S.J. Enclave, whereby the appellant was convicted for the offences punishable under Sections 354/354D/506 IPC.

2. Vide the impugned order on sentence, the appellant was sentenced to undergo Rigorous Imprisonment for three years and one month with a fine of Rs.10,000/- for the offence under Section 354 IPC, in default of payment of fine, he was further directed to undergo simple imprisonment for one month. Further, he was directed to undergo Rigorous Imprisonment for one year with a



fine of Rs.10,000/- for the offence under Section 354D IPC, in default of payment of fine, he was further directed to undergo simple imprisonment for one month. Lastly, he was directed to undergo Rigorous Imprisonment for one year with a fine of Rs. 5,000/- for the offence under Section 506 IPC, in default of payment of fine, he was further directed to undergo simple imprisonment for 15 days. All sentences were directed to run concurrently, and the benefit under Section 428 Cr.P.C. was extended to him.

3. The sentence of the appellant was thereafter suspended vide order dated 16.08.2018 passed by this Court.

4. Briefly stated, the case of the prosecution was that on 16.04.2013, at around 6:00 p.m., the complainant, while returning from her workplace and on reaching Green Park Metro Station, was followed by the appellant, who caught hold of her hand, misbehaved with her, and threatened to throw acid on her and to kill her brother and family members if she refused to accompany him. On her raising alarm, the appellant started using foul language and further threatened her. The appellant was apprehended from the spot by the police.

5. During trial, the prosecution examined five witnesses, including the complainant, who supported the prosecution case and identified the appellant in Court. The police officials associated with the arrest, seizure and investigation also deposed in line with the prosecution case. The appellant, in his statement under Section 313 Cr.P.C., denied all allegations and claimed false implication, asserting that the complainant had an earlier relationship with him and had lodged the case due to past disputes. He led two defence witnesses.



6. Upon appreciation of evidence, the Trial Court found the testimony of the complainant cogent, consistent and confidence-inspiring. It held that the defence version was unsubstantiated, and that the depositions of the defence witnesses, if anything, corroborated the prosecution case to the extent of past interactions and the presence of the appellant at the spot. The learned Special Judge, accordingly, convicted the appellant under Sections 354/354D/506 IPC while extending benefit of doubt for the charge under Section 509 IPC.

7. On a careful perusal of the records including the testimony of complainant which duly established the identity of the appellant as well as the role ascribed to him, this Court finds no infirmity in the reasoning adopted by the learned Trial Court. Accordingly, the conviction of the appellant under Sections 354/354D/506 IPC is upheld.

8. The appellant is present through VC and is duly identified by the Investigating Officer. Learned counsel for the appellant, on instructions, submits that the appellant does not wish to press the appeal on merits and confines his prayer to seeking modification of the sentence to the period already undergone. It is submitted that the appellant comes from an economically weak background, supports his family, and has remained compliant during suspension of sentence. Learned counsel further submits that the appellant undertakes to deposit the fine imposed by the Trial Court and that he has three children, a wife, and mother to take care of, he is stated to be the sole breadwinner.

9. Learned APP for the State has handed over a status report, which is taken on record. As per the said report, the appellant has no other criminal involvement.



10. As per the Nominal Roll dated 15.09.2025, the appellant has undergone a total custody period of more than one year including remission. His jail conduct is recorded as satisfactory. The fine is recorded as unpaid.

11. The law with regard to release of the appellant in cases where the convict has undergone more than half of the sentence was laid down by the Supreme Court in Sonadhar v. State of Chhattisgarh decided on 06.10.2021, in **SLP (CRL)No. 529/2021** the relevant portion of the same is extracted hereinafter:

We thus issue the following directions:

a) A similar exercise be undertaken by the High Court Legal Services Committee of different High Courts so that convicts represented by legal aid Advocates do not suffer due to delay in hearing of the appeals. NALSA will circulate this order to the concerned authority and monitor the exercise to be carried on.

b) The Delhi High Court Legal Services Committee would take up the cases of those convicts who have undergone more than half the sentence in case of fixed term sentences and examine the feasibility of filing bail applications before the High Court, while in case of 'life sentence' cases, such an exercise may be undertaken where eight years of actual custody has been undergone.

c) We are of the view that in fixed term sentence cases, an endeavour be made, at least as a pilot project, in these two High Courts to get in touch with the convicts and find out whether they are willing to accept their infractions and agree to disposal of the appeals on the basis of sentence undergone.

d) A similar exercise can be undertaken even in respect of 'life sentence' cases where the sentenced persons are entitled to remission of the remaining sentence i.e., whether they would still like to contest the appeals or the remission of sentence would be acceptable to such of the convicts.

Our aforesaid additional directions are based on a premise that at times if a convict has actually done of what he is accused of and he is remorseful, he may be willing to accept his acts and suffer a lesser sentence. We make it clear that



the objective is not to compel or extract acceptance from such convicts depriving of the right of appeal.'

12. Having considered the record, this Court finds that the testimony of the complainant, as appreciated by the learned Trial Court, was consistent and categorical. The findings returned by the Trial Court regarding the conduct of the appellant and the threats extended to the complainant stand supported by the evidence. As per the latest status report, the appellant has no other criminal involvement apart from the present case.

13. Having considered the material on record and the submissions made, this Court finds no infirmity in the findings or appreciation of evidence by the Trial Court, and the conviction under Sections 354/354D/506 IPC is accordingly affirmed. However, for the purposes of sentence, it is submitted that the appellant comes from an economically weak background and is the sole breadwinner of his family. He has three minor children, a wife and an aged mother, all of whom are dependent upon him. The record reflects that he has already undergone more than one year of custody including remission i.e., more than the minimum sentence provided under Section 354 IPC. Having regard to the overall circumstances, this Court is of the view that the ends of justice would be adequately met by modifying the sentence to the period already undergone.

14. Consequently, while the conviction of the appellant for the offences under Sections 354/354D/506 IPC is upheld, the sentence is modified to the period already undergone. The sentence of fine imposed by the Trial Court shall remain intact. The appellant is directed to deposit the fine amount within four weeks from today and to furnish proof of such deposit before the IO. In case



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of default, the appellant shall undergo the default sentence as imposed by the Trial Court.

15. The appeal is partly allowed and accordingly disposed of in the above terms. Pending applications, if any, also stand disposed of.

16. Subject to payment of fine, the bail bonds furnished by the appellant stand cancelled and his sureties are discharged.

17. A copy of this order be sent to the concerned Trial Court and concerned Jail Superintendent for information and compliance.

**MANOJ KUMAR OHRI
(JUDGE)**

NOVEMBER 12, 2025/kb