



2025:DHC:6967



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

% Date of Decision: 14.08.2025

+ **CRL.A. 969/2024, CRL.M.(BAIL) 1722/2024**

SUMIT

.....Appellant

Through: Appellant in person through V.C.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State  
with SI Akash Kumar, P.S.  
Bhajanpura.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**JUDGMENT (ORAL)**

1. By way of the present appeal, the appellant seeks to assail the judgement of conviction dated 02.05.2024 and order on sentence dated 29.07.2024, ASJ-02 (North-East), Karkardooma Courts, Delhi in SC No. 401/2021 arising out of FIR No. 367/2021 registered under section 307 IPC at P.S. Bhajanpura.

Vide the aforesaid order on sentence, the appellant was directed to undergo rigorous imprisonment for a period of 5 years alongwith fine of Rs.20,000/-, in default whereof he was directed to undergo simple imprisonment for 1 year, for the offence punishable under Section 308 IPC.



Benefit under Section 428 Cr.P.C. was given to the appellant.

2. The prosecution's case in a nutshell is that on 08.08.2021, an emergency PCR call vide DD No. 47A was received and entrusted to ASI Om Prakash, who reached the spot and found the complainant bleeding and sent to JPC hospital from where he was referred to GTB Hospital, where she remained admitted. In her statement, the complainant stated that at about 11:00 A.M., the complainant Neha went to D-Block Market, Bhajanpura, to purchase vegetables. When she reached Gali No. 1 near Sachdeva Marriage Home, she encountered the appellant/Sumit, who was her boyfriend, but was already married to another woman. Upon a brief exchange of words, the accused allegedly took the complainant into a narrow lane, caught her by the neck, and put a sharp object on the neck, causing her to bleed, to which she shouted due to which the appellant fled the scene

On 11.08.2021, acting on secret information, the accused was apprehended by SI Rahul near Gate No. 13 of Ujjain Mahakal Temple, Madhya Pradesh, and brought to Delhi on transit remand. Pursuant to his disclosure statement, a vegetable cutting knife, allegedly used in the offence, was recovered from beneath a stone near a garbage container at Bhajanpura Bus Stand.

3. The prosecution examined 11 witnesses in support of its case. The complainant testified as PW-1. She has deposed on the lines of her statement made during investigation, and also identified him. The brother of the complainant Gaurav, deposed as PW-2. He handed over two photographs of the accused to police and also provided the complainant's bloodstained clothes to the investigating officer. He identified both the accused and the clothing items in court. PW-4/Dr. Ankita Gupta is the medical witness, who



proved the MLC of complainant as well. PW5-Sunil Saini is the owner of the CCTV Camera, he testified to handing over the CCTV footage of the incident. PW6 is HC Harsh who found the injured while patrolling near the area, the rest of the witnesses were formal who deposed as to various aspects of investigation.

On the other hand, statement of the appellant was recorded under Section 313 Cr.P.C., wherein he denied all evidence and claimed that he was falsely implicated.

4. Learned counsel for the appellant states that the injury sustained by the complainant was simple in nature, and the weapon used was an ordinary kitchen knife. As per prosecution case, only one injury was inflicted on the complainant's neck. The appellant has already remained in custody for approximately three years. It is submitted that there are contradictions in the prosecution evidence, particularly regarding the preparation of the site plan and the date of seizure of the DVR, which cast reasonable doubt. It is further submitted that the appellant is a young man and the sole breadwinner of his family.

5. The Trial Court found that the testimony of PW1 is consistent and trustworthy, and she had duly identified the appellant as the assailant. Even otherwise, the appellant was already known to her. The CCTV footage also lends support to her testimony and shows the appellant committing the offence as it captured the entire incident of him inflicting injury upon the complainant.

6. The medical evidence is consistent with the prosecution case. The injury was opined to be simple in nature, the knife used is a kitchen knife, identified as a sharp object, which was used to threaten and instill fear in the



complainant. As per the MLC of the complainant, a laceration on her neck, measuring 8x1cm , was recorded. Even the FSL report corroborates that she received a sharp injury on her neck and her clothes were stained with her own blood. The complainant remained hospitalised due to this injury for around 7 days.

7. At this stage, learned counsel for the appellant, on instructions from the appellant, who has been produced by Jail Warden-Anil through V.C. from Central Jail No. 13, Mandoli, New Delhi, states that the appellant, being fully aware of the consequences, does not wish to challenge his conviction under the aforesaid section; however, he prays that the sentence awarded to him be modified to the period already undergone by him, which is about two years and nine months.

Even otherwise, this Court, based on the material produced and keeping in mind that the appellant stood duly identified by PW1, and the injury sustained by the complainant were inflicted by none other than the appellant, concurs with the findings of the Trial Court and finds that no grounds to interfere with the same are made out. Consequently, the conviction of appellant is upheld qua the offence under Section 308 IPC.

8. As per the nominal roll dated 15.01.2025, the appellant had undergone 2 years, 1 month, and 8 days of incarceration, along with earning remission of 1 month, and 7 days. The appellant has paid the fine vide receipt dated 07.08.2025 which is handed in court and taken on record. The appellant has exhibited satisfactory jail conduct where he is reportedly working as “*Jail Sahayak*”. He is stated to have one prior involvement under section 408 IPC in which he is facing trial as per the status report, handed over in court and taken on record. He is the sole bread earner and has



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responsibility of wife and children of sister.

9. In view of the above, the Court is of the opinion that the ends of justice will be served if the appellant's sentence is modified to the period already undergone. It is ordered accordingly. The appellant is directed to be released forthwith unless required in any other case.

10. The present appeal is partly allowed and disposed of in the above terms. Miscellaneous application is disposed of as infructuous.

11. A copy of this order be communicated to the Trial Court as well as to the concerned Jail Superintendent, for information and necessary compliance.

**MANOJ KUMAR OHRI**  
**(JUDGE)**

**AUGUST 14, 2025**

*Ga/Dh*

*(corrected & released on 18.08.2025)*