



2025:DHC:7086



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

% Date of Decision: 19.08.2025

+ **CRL.A. 235/2024**

BALLA

..... Appellant

Through: Appellant joined through V.C.  
alongwith Warden Jogbir from Jail  
No. 3, Tihar Jail, New Delhi.

Versus

STATE NCT OF DELHI

..... Respondent

Through: Mr. Pradeep Gahalot, APP for State

**CORAM:**

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

**JUDGMENT (ORAL)**

**CRL.M.(BAIL) 1693/2025 (suspension of sentence)**

Since arguments in the appeal itself have been heard, this application seeking suspension of sentence during the pendency of the appeal has become infructuous and is disposed of as such.

**CRL.A. 235/2024**

1. The present appeal has been instituted under Section 374 Cr.P.C. against the impugned judgment of conviction dated 29.11.2023 and order on sentence dated 18.01.2024 passed by the learned Principal District & Sessions Judge, North District, Rohini Courts, Delhi in Sessions Case No. 94/2021 arising out of FIR No. 536/2020 registered under Section 307 IPC at P.S. Mahendra Park. After completion of investigation, a chargesheet was filed by the police, and the Trial Court framed charges against the appellant herein under Section 307 IPC and Sections 25/27 Arms Act.

Vide the impugned judgment and order on sentence, the appellant was



convicted for the offence punishable under Section 307 IPC, and sentenced to undergo rigorous imprisonment for a period of 5 years alongwith fine of Rs. 5,000/-. In default of payment of fine, he was further directed to undergo simple imprisonment for 60 days. Benefit of Section 428 Cr.P.C. was given to the appellant.

2. The prosecution's case in a nutshell is that the appellant caused grievous and dangerous injuries on the body and left arm of the complainant, with a knife, with such intention or knowledge that such an act may cause the death of the complainant.

On 27.09.2020, at about 9:30 p.m., the complainant was taking a meal along with two of his friends, sitting atop a tin shed, when the appellant came there, carrying a knife in his hand, and attacked him. The situation came to heads as the result of a dispute between the appellant and the complainant regarding the placement of their respective *mandis*/stalls. The appellant inflicted knife blows on the right side ribs and the left arm of the complainant. The complainant, in order to save himself, jumped down from the tin-shed and ran. On his way, the complainant was met by his family members, who rushed him to the hospital.

3. The prosecution examined 13 witnesses in support of its case, including the complainant/PW-3, his two friends who were eye-witnesses to the incident (PW-5 and PW-11), medical witnesses, and the investigating officials. The complainant and both his friends identified the appellant as the assailant. The knife alleged to have been used in the assault was recovered at the instance of the appellant. The FSL report confirmed the presence of human blood on the weapon, consistent with the blood sample of the complainant.



The statement of the appellant was recorded under Section 313 Cr.P.C., wherein he denied the allegations and claimed false implication, alleging that he was framed on account of a dispute between the complainant and himself over the placement of their respective stalls. He did not lead any defence evidence.

4. On a perusal of the record, this Court finds that the injured complainant has given a consistent and cogent account of the incident, attributing knife blows to the appellant. His testimony stands materially corroborated by the depositions of PW-5 and PW-11, who were both present at the scene and whose accounts support the version of the complainant. The MLC (Ex. Nos. PW-8/A and PW-9/A) and the testimonies of the concerned doctors also lends weight to the prosecution's case. The injuries were opined to be dangerous in nature, which is in consonance with the manner of assault described by the witnesses. Further, the recovery of the knife at the instance of the appellant, coupled with the FSL report (Ex. PW-13/A) confirming the presence of human blood matching the sample of the complainant, provides scientific corroboration to the ocular version.

The prosecution failed to establish the necessary ingredients for the offences punishable under Sections 25/27 of the Arms Act. While the recovery of the knife at the instance of the accused was proven, the prosecution did not provide sufficient details about the knife, such as its dimensions, to classify it as an "Arm" under the relevant Government Notification. There was no sketch prepared, nor was it established whether the knife was a plain or button actuated knife. The prosecution failed to prove that the appellant's possession of the knife contravened the Arms Act.

The appellant's explanation under Section 313 Cr.P.C., alleging false



implication on account of a dispute regarding placement of stalls, does not inspire confidence, as no material was brought on record to substantiate this defence. Taken together, the evidence of the injured witness, the eye-witnesses, the medical opinion, and the forensic report form a complete chain pointing towards the guilt of the appellant. The appellant was accordingly convicted for the offence punishable under Section 307 IPC and acquitted under Sections 25/27 Arms Act.

5. The appellant has been produced through VC from Central Jail No. 3, Tihar, New Delhi by Jail Warden Jogbir. At this stage, learned counsel for the appellant, on instructions from the appellant, 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. The learned counsel for the appellant has also handed over an interaction sheet to this effect, and the same is taken on record. The appellant, through VC, makes the same submission.

6. Even otherwise, this Court, based on the material produced and keeping in mind that the appellant stood duly identified by the injured as well as eye-witnesses, and his role being consistently stated, concurs with the findings of the Trial Court and finds that no grounds to interfere with the conviction are made out. Consequently, the conviction of the appellant is upheld qua the offence under Section 307 IPC.

7. It is submitted that the appellant is aged about 43 years, is married, and has a wife, and six children, some of whom are minor. It is stated that he was working as a labourer and was the sole breadwinner for his family prior to his incarceration. The offence in question pertains to the year 2020. The



latest nominal roll dated 08.05.2025 on record indicates that the appellant, as on 06.05.2025, had already undergone 2 years, 4 months, and 5 days of incarceration, and earned 5 months and 14 days of remission, against his sentence of 5 years rigorous imprisonment. Further, his conduct in jail has been reported as satisfactory.

The learned APP for the State has handed over a status report bearing the signatures of the SHO, P.S. Mahendra Park, and the same is taken on record. The report states that the appellant was involved in two other criminal cases, apart from the present proceedings, and that he stands acquitted in both. As on date, the appellant is stated to not be involved in any other cases. Further, in view of this Court, the factum of the appellant's acquittal under Sections 25/27 Arms Act in the impugned proceedings is also relevant.

8. Keeping in view all of the aforesaid, 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 by him. It is ordered accordingly.

9. It is stated that the appellant has not paid the fine of Rs.5,000/- imposed upon him by the Trial Court in the impugned proceedings. Let the same be paid within two weeks.

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

11. The present appeal is partly allowed in the above terms.

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

**AUGUST 19, 2025/nb**