



2025:DHC:6102



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

% Date of Decision: 23.07.2025

+ **CRL.A. 354/2023**

PARAS PARJAPAT

.....Appellant

Through: Mr.Ashok Kumar Garg and Ms.Kavita
Agrawal, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr.Pradeep Gahalot, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. The present appeal has been instituted under Section 374(2) read with Section 482 Cr.P.C. assailing the judgment of conviction dated 19.11.2022 as well as the order on sentence dated 23.12.2022 in SC 56007/2016 arising out of the FIR No.358/2013 registered under Section 307 IPC at Paschim Vihar.

Vide the impugned judgement the appellant was convicted for the offence under section 307 IPC sentencing him to undergo rigorous imprisonment for 5 years along with a fine of Rs.25,000/- for the said offence. In default of the said fine, the appellant was directed to further undergo simple imprisonment for 2 months.

2. Pertinently, the brief facts as noted by the trial court are as under: -

“Brief facts of the case are that on 16.11.2013, SI Dalbir was posted at PS Paschim Vihar as Sub Inspector. On that day, SI Dalbir Singh was on emergency duty and at about 10.40 PM, SI Dalbir received DD No. 41-A, thereafter, SI Dalbir alongwith



Ct. Devendra reached at BG-7, Phoolwala Park, Paschim Vihar and came to know that the injured was already taken to Action Bala Ji Hospital by PCR Van. SI Dalbir left Ct. Devendra at the spot and he went to aforesaid hospital, where SI Dalbir found injured Vinod admitted in the hospital who was unfit for statement. SI Dalbir collected MLC of Vinod. From the In-charge, PCR van, SI Dalbir came to know that the injured had informed him that he was stabbed by one person namely Paras R/o Jawalaheri. SI Dalbir prepared rukka and handed over the same to Ct. Devendra for registration of FIR, who after registration of FIR, returned at the spot with original rukka and copy of FIR. In the meantime, brother of injured namely Rahul @ Sanjay arrived at the spot and informed SI Dalbir that his brother Vinod was stabbed by Paras...”

3. The Trial Court framed charge against the appellant under Section 307 IPC to which, the appellant pleaded not guilty and claimed trial. During the trial, the prosecution examined 10 witnesses. The injured namely, *Vinod* was examined as PW-2. In his testimony, he did not specify date and month, however, stated that in the year 2013, it was winter and the incident occurred at around 9.30-10.00 am. On that day, the appellant had quarrelled with him in the day time and at night, the appellant called him to *Phoolwala Park*, Paschim Vihar, Delhi. When he reached there, a scuffle ensued between them, resulting in appellant inflicting a knife blow on his stomach, left hand and below the chin. He further deposed that on hearing the screams, his brother namely, *Rahul @ Sanjay* reached the spot. *Rahul @ Sanjay* was examined as PW-1. He deposed that on the day of the incident at about 10:00-10:15 PM, when he and the injured were present in the park, the appellant came and inflicted knife injuries on the stomach of his brother. He made a call to the police after which his brother was taken to the hospital. SI Dalbir appeared as PW-5 and stated that on appellant's disclosure, one blade



of knife without handle was recovered from the bushes of *Phoolwala* Park. The MLC of the injured was obtained by PW-8 SI Bharat Bhushan which was exhibited as Ex.PW8/A. The nature of injuries was opined as dangerous.

4. Concededly, the identity of the appellant is not in doubt. The appellant was already known to the injured and his brother and was also named in the FIR. The testimony of injured as well as his brother not only establishes the identity of the appellant but also ascribe the role of inflicting knife injuries. As such, the identity and the offence committed by the appellant stands established.

5. The appellant failed to blemish the testimony of injured and his brother. Both the testimonies are credible and reliable. Even during the hearing of present appeal, no contention was forwarded except stating that specific date of incident is not mentioned.

6. At this stage, learned counsel for the appellant, on instructions, submits that the appellant is not pressing the appeal on merits and prays the Court to take a lenient view and modify the order on sentence to the period already undergone. In support of the submissions, learned counsel submits that the injured was a BC of the area. The incident occurred on the spur of the moment and the weapon used was a kitchen knife. He further submits that the jail conduct of the appellant has been satisfactory and the appellant being sole bread earner, has old aged parents to look after.

7. Learned APP for the State submits that, as per the nominal roll, the appellant has undergone the sentence of 3 years 23 days alongwith remission of 9 months and 26 days and the unexpired portion of sentence is 1 year 1 month and 11 days as on 08.04.2025.



8. Insofar as the modification of the sentence is concerned, it is noted that the nominal roll mentions that the appellant is working as *Lungar Sahayak* and his jail conduct is stated to be satisfactory and no punishment was ever awarded to him during period of incarceration. The nominal roll further records that the fine of Rs.25,000/- imposed on the appellant already stands paid before the Trial Court on 02.03.2022. The appellant has claimed himself to be the sole bread earner having the old age parents. Pertinently, the sentence of the appellant was previously suspended vide order dated 28.04.2025, on account of marriage of his younger brother for a period of one week and no breach of conditions or misconduct during interim release has been reported.

This Court also takes note of the fact that on a perusal of the record, the knife in the incident is described as a kitchen knife in the seizure memo, in fact, even the complainant himself described knife as a small knife.

9. Consequently, while maintaining the appellants' conviction and keeping in view the above-noted mitigating facts and circumstances, it is deemed apposite that the ends of justice would be met if the amount of fine imposed is enhanced from Rs.25000/- to Rs.50,000/-.

10. At this stage, learned counsel for the appellant submits that the enhanced fine of Rs.25,000/- will be deposited within two weeks from today with the Trial court.

11. Let the same when deposited be released towards compensation to the injured.

12. Accordingly, subject to appellant depositing the enhanced fine, the appellant's sentence is modified and he be released on the period already undergone by him in custody till that date.



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13. The present appeal is disposed of in above terms.
14. A copy of this order be communicated to the Trial Court and Jail Superintendent forthwith.

**MANOJ KUMAR OHRI
(JUDGE)**

JULY 23, 2025

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