



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

% Date of Decision: 26.09.2025

+ **CRL.A. 648/2016**

LALAN RAM

.....Appellant

Through: Mr. Vikas Padora and Mr. Aakash  
Kumar, Advocates.  
Ms. Gayatri Nandwani, DHCLSC  
Standing Counsel.

versus

STATE

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State

AND

**CRL.A. 1032/2016**

RAMISHWAR RAM

.....Appellant

Through: Mr. Vikas Padora and Mr. Aakash  
Kumar, Advocates.

versus

STATE

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State  
with SI Pardeep Kumar, P.S.  
Ghazipur.

**CORAM:**

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

**JUDGMENT (ORAL)**

1. By way of the present appeals, the appellants seek to assail the



judgment of conviction dated 09.05.2016 and order on sentence dated 18.05.2016 passed by the learned Additional Sessions Judge-03 (East), Karkardooma Courts, Delhi in Sessions Case No. 913/2016 (Old SC No. 86/2014) arising out of FIR No. 364/2013 registered under Sections 307/34 IPC at P.S. Gazipur.

Vide the impugned order on sentence, both appellants were sentenced to undergo RI for a period of 5 years each along with fine of Rs.5,000/- each, in default whereof they would undergo SI for 2 months each, for the offence punishable under Section 307 read with Section 34 IPC. Benefit under Section 428 Cr.P.C. was extended to both the appellants. The sentence of the appellant/*Lalan Ram* was suspended vide order dated 23.01.2017 and the sentence of the appellant/*Ramishwar Ram* was suspended vide order dated 27.10.2016, during the pendency of their respective appeals.

2. The case of the prosecution in brief is that on 27.08.2013, the complainant/injured *Suresh Ram* was waylaid near Murga Mandi, Gazipur by the appellants herein. The appellant/*Ramishwar Ram* caught hold of the complainant, and the appellant/*Lalan Ram* stabbed him on the abdomen and chest with a knife. The injured somehow managed to reach Murga Mandi, from where he was taken to LBS Hospital. The police officials reached the hospital, where the victim was declared unfit to make a statement, and collected his MLC (Ex. PW-10/A). The victim's statement under Section 161 Cr.P.C., attributing specific roles to both appellants in causing the injuries, was subsequently recorded.

3. The complainant/injured duly identified both the appellants before the Trial Court, withstood the test of cross-examination, and his testimony was found to be cogent, consistent and trustworthy. His version was supported



by the medical evidence, with the MLC and medical opinion establishing that he had sustained a grievous, life-threatening stab injury. The T-shirt and vest worn by the victim at the time of the incident, with corresponding cut marks, were exhibited as Ex. P-1 and Ex. P-2. The prosecution witnesses including the doctors, the person who informed the police, and the police officials proved the immediate circumstances, the recovery of the injured, the seizure of his blood-stained clothes, and the extent of his injuries. The Trial Court held that the testimony of the injured witness inspired confidence, particularly as it was consistent with the medical record and the surrounding circumstances. Relying on the settled law that the evidence of an injured witness stands on a higher pedestal, the Trial Court held both the appellants guilty and convicted them for the offence punishable under Section 307 read with Section 34 IPC.

It is well settled that to sustain a conviction under Section 307 IPC, it is sufficient that the act was done with the intention or knowledge that one's actions may cause death. Based on the material produced, and keeping in mind the consistent testimony of the injured attributing clear roles to both the appellants in the commission of the offence, supported by the medical evidence and by the surrounding circumstances proved through other witnesses, this Court concurs with the findings of the Trial Court and finds that no grounds to interfere with the impugned judgment are made out. Consequently, the conviction of the appellants is upheld qua the offence punishable under Section 307 read with Section 34 IPC.

4. Both the appellants have joined the proceedings and are duly identified by the concerned I.O. The appellant/*Lalan Ram* is present in person and his gate pass has been handed over, and the appellant/*Ramishwar*



*Ram* has joined the proceedings through VC. Both the appellants are duly represented by counsel. Both the appellants submit the appellants are remorseful and, being fully aware of the consequences, do not wish to press their respective appeals on merits. They accept their guilt and pray that they be released on the period already undergone by them in custody. They further pray that the fine imposed upon them be reduced from Rs.5,000/- each to Rs.1,000/- each.

5. Learned APP for the State submits, on instructions, that neither of the appellants have any other criminal involvements. A status report in this regard has been handed over and the same is taken on record.

6. The law regarding 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 Vs. State of Chhattisgarh, reported as **2021 SCC OnLine SC 3682**, and the relevant portion of the same is extracted hereinunder:

*“28. 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 endeavor 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.”*

7. The appellants are stated to belong to the poorest strata of society, each being the sole breadwinner of his family with dependents to support. The appellant/*Ramishwar Ram* is stated to have a wife and five children, while the appellant/*Lalan Ram* is stated to have a wife and three children.

8. The record reflects that the appellant/*Ramishwar Ram* has spent over three years under incarceration, and that the appellant/*Lalan Ram* has also undergone half of the sentence, against their respective substantive sentences of 5 years RI each.

9. Having regard to the fact that the incident pertains to the year 2013, and the facts and law as discussed above, the appellants' prayer for release on the period already undergone is accepted. The conviction of the appellants under Section 307 read with Section 34 IPC is upheld; however, the substantive sentence awarded to each of them is modified to the period already undergone by them.

Keeping in view their present financial condition, the sentences of fine imposed upon the appellants are modified to Rs.1,000/- each. In default of deposit of the fine amount, they shall undergo the default sentence of SI for 15 days.

10. The present appeals are partly allowed in the above terms.

11. Subject to deposit of fine, the personal bonds furnished by the appellants stand cancelled and their sureties are discharged.

12. A copy of this judgment be communicated to the Trial Court as well as to the concerned Jail Superintendents for information and necessary



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compliance.

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

**SEPTEMBER 26, 2025**

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