



2025:DHC:6310



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

% ***Pronounced on: 31st July, 2025***

+ **CRL.A. 798/2025**

STATE GOVT OF NCT OF DELHI

.....Appellant

Through: Mr. Shoaib Haider, Additional Public
Prosecutor for State with SI Vikas
Bhardwaj

Versus

1. **JAIDEV**Respondent No. 1
S/o SH. NAFE SINGH
2. **JAGMAL**Respondent No. 2
S/o SH. NAFE SINGH
3. **JAGDEV**Respondent No. 3
S/o SH. NAFE SINGH
4. **SURAJ BHAN ALIAS MONU**Respondent No. 4
S/o SH. JAIDEV

XXX, DURGA PURI,
SHAHDARA, DELHI

Through: Mr. R.N. Sharma & Mr. Rahul Sharma,
Advocates for Respondents No.1 & 4
Mr. Satyam Thareja & Mr. Shaurya
Katoch, Advocates for Respondent
No.3
Mr. Shalabh Gupta & Ms. Vandita
Gupta, Advocates for Complainant

+ **CRL.A. 833/2025**



2025:DHC:6310



1. **‘J’**Appellant No.1
W/O MR. YOGENDER KUMAR
2. **‘XYZ’**Appellant No.2
(Identity not disclosed being minor victim)
THROUGH APPELLANT NO.1

Through: Mr. Shalabh Gupta & Ms. Vandita
Gupta, Advocates

Versus

1. **THE STATE**Respondent No. 1
5, SHAMNATH MARG,
NEW DELHI.
2. **JAIDEV**Respondent No. 2
S/o SH. NAFE SINGH
3. **SURAJ BHAN**Respondent No. 3
S/o JAIDEV
4. **JAGMAL SINGH**Respondent No. 4
S/o SH. NAFE SINGH
5. **JAGDEV SINGH**Respondent No. 5
S/o SH. NAFE SINGH

Through: Mr. Shoaib Haider, Additional Public
Prosecutor for State with SI Vikas
Bhardwaj
Mr. Satyam Thareja & Mr. Shaurya
Katoch, Advocates for Respondent
No.5

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T



NEENA BANSAL KRISHNA, J.

1. This Court *vide* Judgment dated 28.05.2025, has convicted the ***Respondent/Jaidev*** for the offences punishable under Section 294/354-A/509/34 of the Indian Penal Code, 1860 (*hereinafter referred to as “IPC”*) and Section 12 of the Protection of Children from Sexual Offences Act, 2012(*hereinafter referred to as “POCSO Act”*). The **Respondents, Suraj Bhan @ Monu and Jagmal have been convicted for the offences punishable under Section 354-A/509/34 IPC.**

2. The **Respondent No.1/Convict Jaidev in his Affidavit** has submitted that he has been suffering from Mental Disorder and has been taking treatment from Institute of Human Behaviour and Allied Sciences (IHBAS). He was discharged/compulsorily retired from Delhi Police. He tried to find work, but could not get any regular job. He does odd jobs as his health permits and has no regular professional income.

3. His wife is 54 years old who suffers from High Blood Pressure, Osteoporosis, Cervical etc. His son, Suraj Bhan has also been convicted in this case. He also had aged parents of about 85 years of age who suffer from various old age ailments. He has two brothers who help in taking care of his parents. One of the brother is Respondent No.2/Jagmal Singh who has also been convicted in the present FIR.

4. The *Convict/Jaidev* further submits that he has not been convicted in any other offence except in the present case. In the last nine years to his knowledge, no fresh Complaint has been filed by the Complainant or her family member against him despite being neighbours.



5. It is submitted that the incident happened 12 years ago and he had throughout cooperated with the Authorities and the Judicial system.
6. The **Respondent No.2/Convict Jagmal in his Affidavit** has stated that he is 55 years old. His wife is 50 years old and he has a daughter and a son aged 18 years and 15 years, respectively.
7. His wife suffers from *Prolapsed Intervertebral Disc/Herniated or Slip Disc, Lower Respiratory Tract Infection* and *Vertigo*. His aged parents are around 85 years of age. His father suffers from *UTI/renal failure* and has to be hospitalized regularly. The Discharge Summary of his father Shri Nafe Singh dated 05.02.2025 and 20.05.2025 are annexed with the Affidavit. His mother also suffers from renal failure and is getting treatment at Yashoda Super Speciality Hospital, Kaushambi, Ghaziabad, Uttar Pradesh.
8. It is submitted that he himself is a heart patient and has been diagnosed with *hypokinetic basal anterior septum* which is reduced movement of the heart's basal anterior septum i.e. a specific region of the heart's wall. His left ventricular ejection fraction is 45%.
9. The Convict Jagmal has further submitted that he is 12th pass and is the sole bread earner of the family. He is in Government job since 2002 and is currently working as a Constable in Delhi Police. He has been rewarded and given commendations by his Superior, for the work done by him. He has never ever been convicted in any other offence except the present case.
10. The FIR was registered in May, 2013 i.e. 12 years ago and he has co-operated with the Authorities and Judicial system throughout this period.
11. The **Respondent No.4/Convict Suraj Bhan Singh in his Affidavit** has submitted that he is 36 years old while his wife is 31 years of age and he has three children aged 13 years, 9 years and 1.5 years respectively.



12. His parents are dependent upon him and they do not have any professional income. His father suffers from Mental Disorder for which he has been given treatment from Institute of Human Behaviour & Allied Sciences (IHBAS) and his mother also suffers from various ailments.

13. The Convict, Suraj Bhan further submits that he is a graduate having done B.A. (Hons.) Political Science from Delhi University. He is the sole bread earner of the family being in Government employment since 2009 and is working as Head Constable in Delhi Police. In the past 9 years and more, there is no fresh Complaint filed against him by the Complainant. There is no other criminal case pending against him.

14. The present FIR had also been registered about 12 years ago in May, 2013 and he had co-operated with the Authorities and the Judicial system during this period.

15. *The **Ld. APP for State**, however, has vehemently contended* that despite being neighbours and all the Convicts employed in Delhi Police, their conduct and the offence committed by them, does not deserve any leniency. It is also submitted that there is no question of benefit of Probation being given to them, considering the nature of offences.

16. It is submitted that they may be awarded severest of punishment for their acts.

17. *The **husband of the Complainant** had appeared on behalf of the Complainant* and submitted that even though he as well as the Respondents/Convicts being in Delhi Police and live in the neighbourhood, the Respondents have been persistently continuing to misconduct themselves to an extent that it had become impossible for his wife/Complainant and the young daughter of the family to even step out of the house.



18. It is further submitted that this is not the sole incident, the harassment continued and the FIRs No.1045/2014 under Section 195A and 355 IPC and FIR No.789/2015 under Section 354-A/509 IPC have been registered against the Convicts by the Complainant.

19. Despite having become entitled to promotion in the year 2016, it has been held up on account of the criminal cases registered against him by the Respondents. It is vehemently contended that the life of the Complainant and the family members has been completely ruined and there has not been any repentance on the part of the Respondents who had persisted in their continued misbehaviour.

20. He further submitted that no amount of money can compensate the harm and the loss suffered by the Complainant or by him and the other family members. The brother of the Complainant (*whose minor daughter was also a victim in this case*) was also in Delhi Police, but even he has suffered on account of this litigation.

21. *It is vehemently contended that severest of punishment be awarded to the three Respondents/Convicts.*

Submissions heard and the record perused.

22. Sentence of punishment poses a complex problem, which requires balancing of competitive views based on reformatory punitive deterrent, as well as, retributive theories of punishment. A just and proper sentence should neither be too harsh or not too lenient in judging the adequacy of the sentence. The Hon'ble Supreme Court of India in R. Venkatakrishnan vs. Central Bureau of Investigation, (2009) 11 SCC 737 observed that in judging the adequacy of the sentence, the nature of offence, the circumstances of its commission, the aged character of the offender, injury



to individual or to the society, effect of punishment on offender, are some amongst many factors, which should be ordinarily taken into consideration by the Courts.

23. Sentencing is an important task in the matters of crime. One of the prime objectives of the sentencing is imposition of appropriate, adequate, just and proportionate sentence commensurate with the nature and gravity of the crime and the manner in which it is committed. There can be no straitjacket formula for sentencing an Accused, who is convicted for a crime. The twin objective of the sentencing policy is punitive or rehabilitative. The circumstances of each case would depend whether it is restorative/rehabilitative approach, which must be taken or is a fit case for punitive sentence, which may act as a deterrent.

24. While taking any approach, it is significant to ensure that there is proportionality in sentencing the crime and the criminal and must be the most pre-dominant factor in determining the sentence. The all aspects including social interest and consciousness of the society along with the individual situation of the convict, must be kept in mind while deciding on the appropriate sentence. In the Case of State of M.P. vs. Mehtaab, 2015 (5) SCC 197, the Apex Court emphasised the importance of the need to consider the victim on one hand and the society on the other hand. It was observed that every mitigating or aggravating circumstance may be given due weight and mechanical imposition of sentence is not appreciated. Likewise, it is not appropriate to merely sentence a person a convict to the period already undergone. Such an approach is neither fair to the convict or to the victim and the society. In the Case of Shailesh Jasvantbhai & Anr. vs. State of Gujarat and Ors., 2006 2SCC 339, the Supreme Court observed that the



protection of society and stamping out criminal proclivity must be the objective of law, which must be achieved by imposing appropriate sentence. Whether to adopt a corrective machinery or a deterrence based sentence depends on the factual matrix. Undue sympathy resulting in imposition of inadequate sentence would do more harm to the justice system in undermining the public confidence in the efficacy of law and society. While ordinarily the sentence to be awarded is in the discretion of the Court but while so exercising the discretion, it must be underlying with appropriateness, proportionality and the surroundings circumstances.

25. Guided by this principle, it may be observed in the present case that it was a case registered in 2012. The convicts are none other than the police officials, who are responsible to maintain law and order in society. Furthermore, they were the neighbours of the Complainant and the child victim and were fully aware and conscious of their offensive acts towards them. It is not a case where a restorative or rehabilitative approach would be justified while sentencing.

26. It is the case where there is none other choice but to adopt the punitive approach, which may also send a signal to the society and act as a deterrent for the convicts like them in the society. With these fundamentals in mind, the Respondents are sentenced hereunder.

Convict Jaidev:

27. The Convict Jaidev is aged about 55 years and his conduct is sought to be justified by asserting that he had Mental Disorder and had even taken treatment from IHBAS. The Medical documents have been placed on record, but they were all of June, 2013 onwards while the incident was of May, 2013.



28. The conduct of the Convict was persistent, who would regularly stand in the street and strip himself naked on seeing the Complainant and her niece. Such act of the Convict who was in Delhi Police, cannot be forgiven or overlooked. He, being a Police official, was duty bound to abide by the law and to ensure the maintenance of law and Order. However, he instead had indulged in the sexual offences, not only towards the Complainant but also a little child of about 6 years of age.

29. The Complainant despite being the neighbour of the Convict, has also not stopped him from his persistent act. He may be 55 years old, but looking at the act for which he has been convicted, no leniency is merited.

30. **He is convicted as under :-**

S.No.	Offence	Punishment
1.	For the offence under Section 12 POCSO Act	Rigorous Imprisonment for two years and a fine of Rs.10,000/- . In default of payment of fine, the convict shall undergo Simple Imprisonment for two months.
2.	For the offence under Section 294 IPC	Simple Imprisonment for three months and a fine of Rs.1,000/- . In default of payment of fine, the convict shall undergo Simple Imprisonment for one month.
3.	For the offence under Section 354-A IPC	Rigorous Imprisonment for two years and a fine of Rs.5,000/- . In default of payment of fine, the convict shall undergo Simple Imprisonment for two months.
4.	For the offence under Section 509 IPC	Rigorous Imprisonment for one year and a fine of Rs.2,000/- . In default of payment of fine, the convict shall undergo Simple Imprisonment for one month.



Convict Jagmal and Suraj Bhan @ Monu:

31. Convicts Jagmal and Suraj Bhan @ Monu have been convicted under Section 354-A and 509 IPC for having made explicit sexual remarks towards the Complainant and had made vulgar gestures towards the Complainant. Convict Suraj Bhan is a young man of about 36 years and is the son of Convict Jaidev, while Convict Jagmal aged about 55 years is the brother of Convict Jaidev.

32. It cannot be overlooked that all the three convicts belong to the same family and they all together on the date of incident, had mis-conducted themselves and had persisted in committing the offence. The gravity of the offence gets aggravated by the circumstances that they both are in Delhi Police and are neighbours.

33. It can also not be overlooked that after this FIR, there were other FIRs that they had got registered in the year 2014 and 2015 against the Convicts. Alos several Complaints were filed by the Convicts against the Husband of the Complainant which has had serious impact on his promotion, which he was due in 2016. The conduct of the Convict Suraj Bhan and Jagmal does not call for any leniency in awarding the sentences.

34. **They both are convicted as under :-**

S.No.	Offence	Punishment
1.	For the offence under Section 354-A IPC	Rigorous Imprisonment for one year and a fine of Rs.5,000/- each. In default of payment of fine, the convicts shall undergo Simple Imprisonment for two months.
2.	For the offence under Section 509 IPC	Rigorous Imprisonment for one year and a fine of Rs.2,000/- each.



2025:DHC:6310



		In default of payment of fine, the convicts shall undergo Simple Imprisonment for one month.
--	--	--

35. All the sentences for all the Convicts shall run **concurrently**.
36. The Convicts are directed to surrender before the learned Trial Court within five days.
37. A copy of the Order be forwarded to the learned Trial Court to ensure the compliance.
38. The Appeals are accordingly disposed off, along with pending Application(s), if any.

(NEENA BANSAL KRISHNA)
JUDGE

JULY 31, 2025
va