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

Date of decision: 4th May, 2026.

Uploaded on: 6th May, 2026

+ **CRL.A. 448/2026& CRL.M.A. 13816/2026**

TARUN SINGH

.....Appellant

Through: Mr. Sanjiv Kumar and Mr. Dheeraj Jagwani, Advs.

versus

THE STATE GOVT OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Ritesh Kumar Bahri, APP with Mr. Lalit Luthra and Ms. Divya Yadav, Advs. for State.

SI Mukul, P.S. Keshav Puram.

Mr. Pritish Sabharwal, Mr. Sanjeet Kumar, Ms. Shweta Singh & Mr. Shiv Chopra, Advs.

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WITH

+ **CRL.A. 449/2026& CRL.M.A. 13827/2026**

TARUN SINGH

.....Appellant

Through: Mr. Sanjiv Kumar and Mr. Dheeraj Jagwani, Advs.

versus

STATE AND ANR

.....Respondents

Through: Mr. Ritesh Kumar Bahri, APP with Mr. Lalit Luthra and Ms. Divya Yadav, Advs. for State.

SI Mukul, P.S. Keshav Puram.

Mr. Pritish Sabharwal, Mr. Sanjeet Kumar, Ms. Shweta Singh & Mr. Shiv Chopra, Advs.

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AND

+ **CRL.A. 445/2026& CRL.M.A. 13657/2026**

TARUN SINGH

.....Appellant



Through: Mr. Sanjiv Kumar and Mr. Dheeraj Jagwani, Advs.

versus

STATE GOVT OF NCT OF DELHI AND
ANR

.....Respondents

Through: Mr. Ritesh Kumar Bahri, APP with
Mr. Lalit Luthra and Ms. Divya
Yadav, Advs. for State.
SI Mukul, P.S. Keshav Puram.
Mr. Pritish Sabharwal, Mr. Sanjeet
Kumar, Ms. Shweta Singh & Mr. Shiv
Chopra, Advs.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. These are three appeals challenging the impugned judgment dated 19th March, 2026 (hereinafter, '*impugned judgment*') passed by the Id. Principal and District Judge, North West District, Rohini Courts, Delhi in *Sessions Case No. 203/2023* arising out of *FIR No. 992/2022* registered at PS. Keshav Puram.
3. *Vide* the impugned judgment, the Respondents *i.e.*, Vijay Arora, Rohit Arora and Rohan Arora are convicted under Section 307 of the Indian Penal Code, 1860 *i.e.*, for the offence of attempt to murder. The sentence awarded to them *vide* order on sentence dated 20th March, 2026 is three years along with fine of Rs. 50,000/-. The relevant portion of the impugned judgment and order on sentence is set out below:

Impugned Judgment

"78. Accordingly, accused Vijay Arora, Rohit Arora



and Rohan Arora are hereby convicted for the offence punishable u/s 307 IPC read with section 34 IPC for attempting to murder complainant Tarun Singh.”

Order on Sentence

“

9. Ld. counsel for complainant though admits that quashing proceedings were initiated by the parties and the complainant has received some amount in lieu of compromise, but state that now he is ready to return the said amount.

10. Convicts have been convicted for the offence punishable u/s 307 IPC read with section 34 IPC. The prosecution has successfully established beyond reasonable doubt that the convict Rohan Arora deliberately shot Tarun Singh with a licensed firearm , while convicts Vijay Arora and Rohit Arora exhorted him to do so. Giving due consideration to the facts and circumstances of the case, nature of offence and the circumstances of the convict, I sentence as under:-

For the offence punishable under Section 307 IPC, all three convicts Vijay Arora, Rohit Arora and Rohan Arora are sentenced to rigorous imprisonment for three years and fine of Rs. 50,000/- each. In default of payment of fine, the erring convict shall undergo simple imprisonment for six months.”

4. The present appeals have been filed by the Victim-Mr. Tarun Singh under Section 413 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter, ‘BNSS’) seeking enhancement of punishment as also grant of compensation. Illustratively, the prayer in **CRL.A. 448/2026** is extracted below for reference:

“It is therefore most humbly prayed that the appeal of the appellant may kindly be accepted and the Judgement dated 19.03.2026 and order on sentence dated



20.03.2026 may kindly be enhanced as the current sentence awarded is inadequate arid the appellant must be granted compensation under the victim's compensation.”

5. Ld. Counsel for the Appellant submits that the sentence of the Respondents deserves to be enhanced. Moreover, no compensation has been granted to the Victim/ Appellant, therefore, the present appeals are maintainable.

6. Mr. Bahri, Id. APP, on the other hand, submits that in view of the recent decision of this Court in *CRL.A. 598/2015* titled *Muskan v. State (Govt. of NCT of Delhi) & Anr.* the present appeals at the behest of the Victim would not be maintainable.

7. Mr. Pritish Sabharwal, Id. Counsel for the Respondents submits that the prayer for grant of compensation would also not be maintainable as, under Section 413 of the BNSS, a challenge can only be raised in respect of inadequate compensation.

8. The Court has considered the matter. In *Muskan (Supra)*, this Court on 24th April, 2026 had held in respect of Section 372 of the Code of Criminal Procedure, 1973 (hereinafter, ‘CrPC’), which is identical Section 413 of the BNSS, that an appeal at the behest of the Victim in case of inadequate sentence and for enhancement of the same would not be maintainable. The relevant portion of the said judgment is set out below:

“43. The present appeal has been preferred by the injured/complainant invoking the proviso to Section 372 CrPC, seeking enhancement of sentence imposed upon the accused. Section 372 CrPC is reproduced hereinbelow:

Section 372. No appeal to lie unless otherwise



provided.

No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force:

¹[Provided that the victim shall have a right to prefer an appeal against any order passed by the Court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the Court to which an appeal ordinarily lies against the order of conviction of such Court.]

44. A plain reading of the aforesaid provision makes it evident that the statutory right conferred upon a victim is limited in scope and is circumscribed to three specific contingencies, namely: (i) acquittal of the accused, (ii) conviction for a lesser offence, and (iii) imposition of inadequate compensation.

45. Significantly, the provision does not contemplate or provide for a right of appeal by the victim on the ground of inadequacy of sentence.

46. The scheme of CrPC makes a clear distinction in this regard. While the proviso to Section 372 confers a limited right upon the victim, the power to seek enhancement of sentence is specifically provided under Section 377 CrPC, which can be invoked only by the State. Section 377 CrPC is reproduced hereinbelow:

“Section 377. Appeal by the State Government against sentence

(1) Save as otherwise provided in sub-section (2), the State Government may, in any case of conviction on a trial held by any Court other than a High Court, direct the Public Prosecutor to present ¹ an appeal against the sentence



on the ground of its inadequacy-
(a) to the Court of Session, if the
sentence is passed by the Magistrate; and
(b) to the High Court, if the sentence is
passed by any other Court.

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(3) When an appeal has been filed
against the sentence on the ground of its
inadequacy, the Court of Session or, as
the case may be, the High Court shall not
enhance the sentence except after giving
to the accused a reasonable opportunity
of showing cause against such
enhancement and while showing cause,
the accused may plead for his acquittal
or for the reduction of the sentence.”

47. The statutory provisions are therefore, clear and unambiguous, that the right to seek enhancement of sentence is not vested in the victim, but exclusively in the State.

48. The Supreme Court in *Parvinder Kansal v. State (NCT of Delhi)*, (2020) 19 SCC 496, has categorically held that the right of appeal under Section 372 CrPC is limited and does not extend to challenging the adequacy of sentence. The relevant paragraphs from the said judgement are reproduced hereinbelow:

8. Chapter XXIX of the Code of Criminal Procedure, 1973 deals with “Appeals” and Section 372 makes it clear that no appeal to lie unless otherwise provided by the Code or any other law for the time being in force. It is not in dispute that in the instant case appellant has preferred appeal only under Section 372 CrPC. The proviso is inserted to Section 372 CrPC by Act 5 of 2009. Section 372 and the proviso



which is subsequently inserted read as under:

“372. No appeal to lie unless otherwise provided.— No appeal shall lie from any judgment or order of a criminal court except as provided for by this Code or by any other law for the time being in force: Provided that the victim shall have a right to prefer an appeal against any order passed by the court acquitting the accused or convicting for a lesser offence or imposing inadequate compensation, and such appeal shall lie to the court to which an appeal ordinarily lies against the order of conviction of such court.”

A reading of the proviso makes it clear that so far as victim's right of appeal is concerned, same is restricted to three eventualities, namely, acquittal of the accused; conviction of the accused for lesser offence; or for imposing inadequate compensation. While the victim is given opportunity to prefer appeal in the event of imposing inadequate compensation, but at the same time there is no provision for appeal by the victim for questioning the order of sentence as inadequate, whereas Section 377 CrPC gives the power to the State Government to prefer appeal for enhancement of sentence. While it is open for the State Government to prefer appeal for inadequate sentence under Section 377 CrPC but similarly no appeal can be maintained by victim under Section 372 CrPC on the ground of inadequate sentence. It is fairly well-settled that the remedy of appeal is



creature of the statute. Unless same is provided either under Code of Criminal Procedure or by any other law for the time being in force no appeal, seeking enhancement of sentence at the instance of the victim, is maintainable. Further we are of the view that the High Court while referring to the judgment of this Court in *National Commission for Women v. State (NCT of Delhi) [National Commission for Women v. State (NCT of Delhi), (2010) 12 SCC 599 : (2011) 1 SCC (Cri) 774]* has rightly relied on the same and dismissed the appeal, as not maintainable.

49. *The Supreme Court, while interpreting the proviso to Section 372 CrPC, has unequivocally observed that the victim's right of appeal is confined to the contingencies expressly provided under the statute, and that there is no provision enabling the victim to seek enhancement of sentence. It has further been clarified that the remedy for inadequate sentence lies under Section 377 CrPC, which is available only to the State."*

Thus, the appeals seeking enhancement of sentence at the behest of the victim would not lie.

9. Insofar as compensation is concerned, the Trial Court has not granted compensation. However, there appears to be some reasoning in the order of sentence of the Trial Court in paragraph no. 9 regarding the same. The submission of the Id. Counsel for the Respondents also reveals that there was some compromise, which had earlier taken place in respect this very FIR being **FIR No. 992/2022** registered at PS. Keshav Puram where an MoU was entered into between the parties. Ld. Counsel for the Respondents further



submits that a joint quashing petition was filed by the parties and the Respondents had to pay Rs. 22,00,000/- to the Appellant. However, later the said petition was itself withdrawn. It is also submitted that the Respondents have already challenged this very impugned judgment before the Id. Single Judge.

10. In view thereof the only issue which remains is regarding the aspect of compensation. In the opinion of this Court, this matter would have to be considered by the Id. Single Judge and not by the Id. Division Bench. In the appeals there are no grounds set out as to why compensation ought to be have been granted. Under these circumstances, Id. Counsel for the Appellant submits that he may be permitted to withdraw the present appeal with liberty to approach the Id. Single Judge for seeking grant of compensation.

11. The appeals are, accordingly, dismissed as withdrawn with liberty to the Appellant to only challenge the impugned order on sentence, only in respect of compensation under Section 413 of the BNSS. Pending applications, if any, are also disposed of.

12. Needless to add, this Court has not made any observations on the merits of the matter.

**PRATHIBA M. SINGH
JUDGE**

**MADHU JAIN
JUDGE**

MAY 4, 2026
dj/ck