



2025:DHC:9478



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

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Date of decision: 28.10.2025+ **CRL.A. 1396/2025**
WASEEM.....Appellant
Through: Mr. Abhay Kumar (AOR), Mr.
Faraz Nabi, Mr. Shagun Ruhil,
Mr. Karan Kapoor, Advs.

versus

STATE NCT OF DELHIRespondent
Through: Mr. Sunil Kr. Gautam, APP
for State
Mr. Aditya Aggarwal, Mr.
Ankit Mutreja & Mrs. Kajol
Garg, Advs. for R-2**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****SWARANA KANTA SHARMA, J. (ORAL)**

1. The instant appeal has been filed on behalf of the appellant against the judgment, dated 29.08.2025 and order on sentence dated 11.09.2025 passed by the learned Additional Sessions Judge-03, South East, Saket Courts, Delhi (hereafter, 'learned Sessions Court'), in SC No. 303/2021, arising out of FIR bearing No. 156/2021, registered at Police Station Narela, Delhi for the commission of offences punishable under Sections 302/307/120-B of the Indian



Penal Code, 1860 (hereafter '*IPC*') and Sections 25/27/54/59 of the Arms Act, 1959. On the basis of the evidence and material collected during investigation, the learned Trial Court had acquitted the appellant of the charge under Sections 302/120-B of the IPC and Section 27 of the Arms Act, but convicted under Section 25 (1B) of the Arms Act and accordingly sentenced him to rigorous imprisonment for a period of 03 years and to pay a fine of Rs. 5000/- and in default of payment to fine, to further undergo rigorous imprisonment for a period of two months..

2. Aggrieved by the aforesaid impugned orders, the present appeal had been preferred on behalf of the appellant.

3. At the outset, the learned counsel appearing on behalf of the appellant submits, on instructions, that the appellant is not pressing the present appeal on its merits. It is further submitted that the appellant rather prays for leniency since the incident in question had taken place about four years back. It is stated that the appellant has already undergone sentence for a period of 2 years and 11 months, out of total sentence of three years and considering the sentence already undergone by the appellant, his sentence of imprisonment may be reduced to the period already undergone.

4. The learned APP for the State submits that he has no objection if the sentence of the appellant is reduced to the period already undergone by him, and the conviction is upheld.

5. This Court has **heard** arguments addressed on behalf of both the parties and has gone through the material placed on record.



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6. This Court notes that the present case emanates from an FIR registered in the year 2021, pertaining to an incident dated 27.04.2021. Thus, the offence in question had taken place about four years ago. The appellant herein was aged about 33 years at the time of the incident, who today is more than 37 years of age.

7. Thus, considering the overall facts and circumstances of the case, and after going through the nominal roll of the appellant, which mentions that the appellant has already served sentence of rigorous imprisonment for more than two years and eleven months out of the sentence awarded i.e., rigorous imprisonment of three years, and the fact that the conviction is not being challenged, this Court is of the opinion that ends of justice would be met in case the sentence of imprisonment of the appellant is reduced to the period already undergone by him in relation to the present case. However, the conviction of the appellant is upheld.

8. Accordingly, the present appeal stands disposed of in above terms.

9. Bail bonds stand cancelled, and the sureties stand discharged.

10. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 29, 2025/A