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

Reserved on: 17th November, 2026
Pronounced on: 23rd November, 2026
Uploaded on: 23rd November, 2026

\# **CNR No. DLHC010026392026**

\+ CRL.A. 103/2026 & CRL.M.(BAIL) 185/2026

SAJID ALI .....Appellant

Through: Mr. Neeraj Kumar (DHCLSC), Advocate.

versus

STATE OF NCT OF DELHI .....Respondent

Through: Mr. Yudhvir Singh Chauhan, APP for the State.
Mr. Somnath Bharti, Advocate with Victim in person.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.

1. The present appeal arises from the judgment dated 19th July, 2024, whereby the Appellant was convicted for offences punishable under Sections 307 and 392 read with Section 397 of the Indian Penal Code, 1860[1], and the order on sentence dated 20th November, 2025, passed by the Additional Sessions Judge, South District, Saket Courts, New Delhi, in Sessions Case No. 7341/2016, arising out of FIR No. 457/2015, registered at P.S. Malviya Nagar.

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2. At the hearing on 4th November, 2026, counsel for the Appellant, on instructions, expressly gave up the challenge to the conviction on merits and confined the appeal to the quantum of sentence. This statement stands recorded in the order of that date and has also been reiterated in the written submissions subsequently filed on behalf of the Appellant. The conviction is, therefore, not in contest. The only question requiring consideration is whether the sentence of eight years' rigorous imprisonment imposed for each offence warrants reduction to the period already undergone.

3. The circumstances of the offence nevertheless remain relevant to the determination of an appropriate sentence. On 10th March, 2015, the Appellant gained entry into the residence of the complainant, on the pretext of taking measurements for installation of window grills. Once inside, he assaulted her with a screwdriver, repeatedly struck her with a laptop and a laptop table, and attempted to suffocate her with a pillow. He also robbed her of ₹25,000/-. The medical evidence established grievous injuries, including a fracture of the right temporal bone with underlying temporal contusions. The complainant required extensive medical treatment, including surgery. These findings formed the basis of the conviction, which the Appellant no longer assails.

4. By the order dated 20th November, 2025, the Trial Court sentenced the Appellant to rigorous imprisonment for eight years and a fine of ₹15,000/- for the offence under Section 307 IPC, and rigorous imprisonment for eight years with a fine of ₹15,000/- for the offence under Section 392 read with Section 397 IPC. In default of payment of the fine, he was directed to undergo simple imprisonment for two months. The substantive sentences

[1] "IPC"

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were directed to run concurrently, with the benefit of set-off for the period of detention already undergone.

5. Mr. Neeraj Kumar, counsel for the Appellant, seeks reduction of the sentence to the period already undergone. It is submitted that the Appellant is approximately 32 years old, has no previous criminal antecedents and was engaged in welding work before his incarceration. Reliance is also placed on his family circumstances, over six years of actual imprisonment, and satisfactory overall conduct in prison.

6. Mr. Somnath Bharti, appearing for the complainant, opposes any reduction. The complainant has also placed on record a detailed written account of the physical, emotional and financial consequences of the assault. She describes the continuing difficulties arising from her injuries, the disruption of her professional and personal life, and the distress occasioned by the prolonged proceedings. She has expressed apprehension for her safety upon the Appellant's eventual release and has pointed out that, despite the recommendation made by the Trial Court, she has not received compensation towards her medical expenses and other losses. It is urged that the gravity of the attack, the absence of any expression of remorse, and its enduring consequences call for maintaining the sentence already imposed. The complainant was also present during the hearing and opposed the request for reduction.

7. Section 397 IPC prescribes a minimum sentence of seven years' imprisonment where robbery is accompanied by the aggravating circumstances specified therein. The Court cannot, in the ordinary exercise

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of sentencing discretion, award a sentence below that minimum.[2] The Supreme Court in ***Ashfaq v. State (Government of NCT of Delhi)***[3], has explained the operation of this provision. The Appellant's request to restrict the sentence to the period already undergone, which is less than seven years, therefore cannot be accepted. Section 307 IPC, on the other hand, permits imprisonment extending to ten years. Where hurt is caused, the offender may also be sentenced to imprisonment for life. The question is whether, having regard to the circumstances of this case, the sentence of eight years on both counts should be maintained or reduced to seven years.

8. The principles governing sentencing are well settled. The punishment must reflect the seriousness of the offence, the manner of its commission and the harm suffered by the victim. At the same time, the circumstances of the offender and the possibility of rehabilitation are relevant considerations. In ***Soman v. State of Kerala***[4], the Supreme Court recognised proportionality and deterrence as considerations informing the exercise of sentencing discretion. Equally, in ***State of Punjab v. Bawa Singh***[5], the Supreme Court cautioned against undue leniency which fails to account for the gravity of the crime, the suffering of the victim and the impact on society at large.

9. The Complainant has strongly opposed any reduction in sentence. Her opposition is understandable, particularly after the years she has spent dealing with the injuries and the proceedings that followed. The Court has considered her submissions with care. The question remains whether, taking into account the Appellant's circumstances as well, the additional year of

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[2] ***State of M.P. v. Phool Chand*** (2005) 12 SCC 199
[3] (2004) 3 SCC 116
[4] (2013) 11 SCC 382
[5] (2015) 3 SCC 441

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imprisonment is necessary.

10. Turning to the circumstances of the Appellant. As per the latest nominal roll dated 29th October, 2026, the Appellant has undergone 6 years, 2 months, and 6 days of imprisonment, excluding the period of interim bail, alongside earned remission of 3 months and 28 days. He is a first-time offender, with no other conviction or pending criminal case reported in the latest nominal roll. An earlier prison report, referred to by the complainant, recorded an adverse entry concerning possession of a prohibited article and assessed his overall conduct as unsatisfactory. However, the nominal rolls dated 14th January, 2026 and 29th October, 2026 record satisfactory jail conduct and satisfactory overall conduct, with no punishment reported. The Appellant had also been released on bail during the COVID-19 period in June 2020 and remained at liberty until November 2025. No instance of misuse of that liberty or violation of bail conditions has been brought to the Court's notice.

11. The Trial Court was justified in imposing a substantial sentence, given the nature of the offence and its consequences for the complainant. There are, however, circumstances which merit some consideration in favour of the Appellant. His father, aged approximately 60 years, is unemployed, and his mother, aged approximately 55 years, is a homemaker who relies entirely on the family for care and support. Having considered these circumstances alongside the seriousness of the offence, this Court finds that a sentence of seven years' rigorous imprisonment on each count would be appropriate. The reduction is limited to one year and does not affect the conviction or any other part of the order on sentence.

12. The Court has also considered the decision in *Lakhvir Singh v. State of*

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Punjab[6]. That case concerned the application of the Probation of Offenders Act, 1958, in circumstances where the victim had entered into a compromise and expressed no objection to the offenders' release. No comparable circumstances exist here, and the Appellant is not being considered for release on probation. The decision does not govern the limited modification of sentence presently under consideration. Further, the Appellant's conviction under Section 307 IPC, independently, attracts the exclusion under Section 4 of the Probation of Offenders Act[7], and thus the benefit granted in *Lakhvir Singh* is unavailable to him.

13. Before concluding, the complainant's grievance concerning compensation requires attention. The Trial Court, while noticing the serious injuries suffered by her and the Appellant's inability to pay compensation, recommended that she be compensated through the District Legal Services Authority, South District, Saket Courts. The complainant states that she has submitted the relevant medical and financial documents but has received no compensation. The reduction of sentence ordered by this Court has no bearing upon her entitlement to have that claim considered in accordance with law. The recommendation of the Trial Court must receive appropriate consideration under the applicable Victim Compensation Scheme. Her apprehensions concerning her safety also remain matters which the competent police authorities must address should any credible threat or relevant information be brought to their notice.

14. Accordingly, the appeal is partly allowed, in the following terms:

(i) The judgment of conviction dated 19th July, 2024, for offences

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[6] 2021 INSC 30

[7] ***Nadeem v. State of NCT & Ors***, 2013:DHC:1425

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punishable under Sections 307 and 392 read with Section 397 IPC, is affirmed.

(ii) The sentence of eight years' rigorous imprisonment imposed under Section 307 IPC is reduced to seven years' rigorous imprisonment. The fine of ₹15,000/- and the default sentence of two months' simple imprisonment shall remain unchanged.

(iii) The sentence of eight years' rigorous imprisonment imposed under Section 392 read with Section 397 IPC is likewise reduced to seven years' rigorous imprisonment. The fine of ₹15,000/- and the default sentence of two months' simple imprisonment shall remain unchanged.

(iv) Both substantive sentences shall continue to run concurrently. The Appellant shall be entitled to set-off for the period of detention already undergone in accordance with law. All other directions contained in the order on sentence shall remain undisturbed.

(v) The Secretary, District Legal Services Authority, South District, Saket Courts, shall ascertain the status of the Trial Court's recommendation dated 20th November, 2025, concerning compensation to the complainant. If her claim remains pending, the same shall be considered and decided expeditiously, preferably within six weeks from receipt of this judgment, after considering the material placed by her and in accordance with the applicable statutory scheme. The decision shall be communicated to the complainant.

(vi) The complainant shall be at liberty to approach the competent police authorities in the event of any threat or apprehension concerning her safety. Any such representation shall be assessed promptly, and appropriate measures, if found necessary, shall be taken in accordance with law.

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15. The prayer for reduction of sentence to the period already undergone is declined. The Appellant shall serve the modified sentence, subject to computation of the period of custody, remission and other benefits available under the applicable law.

16. The appeal stands disposed of in the above terms. The pending application for suspension of sentence, CRL.M.(BAIL) 185/2026, also stands disposed of.

17. A copy of this judgment shall be transmitted to the concerned Jail Superintendent for necessary compliance and to the Secretary, District Legal Services Authority, South District, Saket Courts, for appropriate action.

SANJEEV NARULA, J

NOVEMBER 23, 2026/ab

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