

Shibu @ Shiv Kumar v. State
CNR No.: DLCT01-013622-2025
Crl. Appeal No. 399/2025

16.09.2025

Present : Ms. Kalash, Ld. Proxy counsel for Mr. Sunil Tiwari,
Ld. Counsel for the appellant.

The matter is passed over at the request of Ld. Proxy
counsel for the appellant.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
16.09.2025

It is 11:35 a.m.

Present : Ms. Kalash, Ld. Proxy Counsel for Mr. Sunil
Tiwari, Ld. Counsel for the appellant.

The present appeal has been preferred against judgment dated 06.02.2025, passed by Ld. JMFC-06, Central, Tis Hazari Courts, Delhi, convicting the appellant and co-convict Ankit and Ankush for the offence under Sections 324/341 IPC r/w Section 34 IPC and the consequent order of sentence dated 07.07.2025, sentencing the appellant and co-convicts for punishment of rigorous imprisonment for a period of one year and 6 months along with fine of Rs. 9,500/- for the offence under Section 324/34 IPC, in default to undergo imprisonment for a period of one month; and simple imprisonment for a period of one month along with fine of Rs. 500/- for the offence under Section 341/34 IPC, in default to undergo imprisonment for period of one week.

Ld. Proxy Counsel for the appellant has briefly apprised this Court of the facts of the present case, ground of challenge as well as reason seeking condonation of delay.

Contd..2/-

Further, Ld. Proxy Counsel for the appellant has submitted that the appellant is presently in judicial custody in the present case.

Heard. Perused.

Issue notice of the present appeal to the respondent/State. Ld. Addl. PP for the State accept notice. Copy of the present appeal and applications annexed therewith have been supplied to Ld. Addl. PP for the State/respondent.

Arguments on the application under Section 430 BNSS/Section 389 Cr.P.C. have been addressed and the record perused.

For the reasons stated under the appellant's application under Section 389 Cr.P.C./Section 430 BNSS, submissions made by the Ld. Counsel for the appellant and the grounds under the present appeal, demonstrating a *prima facie* case, the operation of impugned **order of sentence is suspended till the next date of hearing**, on the appellant furnishing personal bond in the sum of Rs. 15,000/- along with one surety in the like amount to the satisfaction of the Ld. Trial Court/Ld. JMFC/Ld. Duty JMFC, within a period of **15 (fifteen) days from today**.

In the interest of justice, list for further proceedings on **19.11.2025**.

A copy of this order be given *dasti* to Ld Counsel for the appellant.

A copy of this order be also sent to the Ld. Trial Court for information purposes.

Abhishek Goyal
ASJ-03, Central District,
Tis Hazari Courts, Delhi
16.09.2025