

SC No. 391/2022
State Vs. Ajay Kumar
FIR No. 67/2015
P.S. Vivek Vihar
u/s 308 IPC.

02.04.2026

ORDER ON SENTENCE

Present: Sh. Parmod Kumar, Ld. Addl. PP for State.
Convict produced from JC.
Sh. Dharmendra, Ld. Counsel for convict.

Nominal roll and previous involvement of convict received.

1. Arguments heard on the point of sentence.
2. Vide judgment dated 30.03.2026, this court has convicted the convict for the offence under Section 308 IPC.
3. Learned counsel submits that convict is 28 years old; he is the sole bread earner in his family having responsibility of his old aged parents and one unmarried sister, who all are dependent upon him for their livelihood; injured has sustained 'simple' injury; convict has already remained in JC for 2 years and 6 months. Ld. Counsel further submits that convict is not involved in any criminal case.
4. The learned Additional PP for the State has submitted that as per MLC on record, convict caused injuries on the head of complainant/victim Sunder with danda. Therefore, adequate punishment for the convict has been sought.

5. Arguments considered.

6. The court is well aware that protection of society and stamping out criminal proclivity must be the object of law which must be achieved by imposing an appropriate sentence and that it is the duty of the court to award proper sentence having regard to the nature of offence and the manner in which it was executed or committed etc. The criminal law adheres in general to the principle of proportionality in prescribing liability according to the culpability of each kind of criminal conduct. Proportion between crime and punishment is a goal respected in principle. Thus, the court at this stage is required to give consideration to the facts and circumstance of this case for deciding the just and appropriate sentence to be awarded and also consider the aggravating and mitigating facts and circumstances in which, a crime has been committed as the same are to be delicately balanced on the basis of relevant circumstances in dispassionate manner by this court.

7. As per nominal roll report received from concerned Jail Suptd., convict has already remained in JC for 2 years and 6 months. Considering the mitigating / aggravating factors brought forth by both the sides and also the period of custody as on date i.e. two years and six months, this Court deems it fit to extend the benefit of Section 428 Cr. PC (now 468 BNSS) to the convict and consequently, convict is sentenced to period already undergone by him and fine of Rs.5000/-, in default of which, convict shall undergo SI for

the period of three months. Fine paid vide receipt no. 0886892.

Copy of this Order be given to the convict free of cost.

File be consigned to record room.

(Charu Aggarwal)

ASJ-02/E-Court/Shahdara

KKD/Delhi/02.04.2026