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

+ **CRL.A. 39/2025**

SHEIKH YASIN

.....Appellant

Through: Mr. Archit krishna & Mr. Himanshu
Kunjam, Advs.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Mr. Ritesh Kumar Bahri, APP.
Yad Ram, P.S. Jamia Nagar.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT MAHAJAN

ORDER

% **14.01.2025**

1. This hearing has been done through hybrid mode.

CRL.M.A. 800/2025 (for exemption)

2. Allowed, subject to all just exceptions. Application is disposed of.

CRL.M.A. 801/2025 (for condonation of delay)

3. This is an application filed by the Appellant under Section 5 of Limitation Act read with Section 528 of BNSS, 2023 seeking condonation of delay of 56 days in filing the appeal.

4. For the reasons stated in the said application the delay is condoned.

5. The application is allowed and disposed of accordingly.

CRL.A. 39/2025

6. This is an appeal under Section 415(2) read with Section 528 of BNSS challenging the impugned judgment of conviction dated 16th July, 2024 and the order on sentence dated 19th September, 2024, passed by the Id. ASJ(SC-POCSO)/South-East/Saket Courts, in **Sessions Case No. 1537/2016** arising



out of **FIR No. 192/2015** registered at P.S. Jamia Nagar under Sections 363/376/377/302/201 of IPC and Section 6 of POCSO Act. Vide the impugned judgement the Appellant has been convicted for offences punishable under Sections 363/377/302/201 of IPC and Section 6 of POCSO Act. Vide the impugned order on sentence the Appellant has been sentenced to rigorous life imprisonment in the following terms:-

“(i) To undergo Rigorous Life Imprisonment and to pay a fine of Rs. 50,000/- for committing the offence punishable u/s 6 of the POCSO Act, 2012, and in default of fine, the convict is to undergo Simple Imprisonment for a period of six months.

(ii) To undergo Rigorous Life Imprisonment and to pay a fine of Rs. 50,000/- for the offence punishable u/s 302 IPC, and in default of fine, the convict is to undergo Simple Imprisonment for a period of 02 years.

(iii) To undergo Rigorous Life Imprisonment and to pay a fine of Rs. 50,000/- for the offence punishable u/s 377 IPC, and in default of fine, the convict is to undergo Simple Imprisonment for a period of 06 months.

(iv) To undergo Rigorous Imprisonment for a period of 07 years and to pay a fine of Rs. 50,000/- for the offence punishable u/s 363 IPC, and in default of fine, the convict is to undergo Simple Imprisonment for a period of 06 months.

(iv) To undergo Rigorous imprisonment for a period of 07 years and to pay a fine of Rs. 50,000/- for the offence punishable u/s 201 IPC, and in default of fine, the convict is to undergo Simple Imprisonment for a period of 06 months.”

7. Issue notice. Notice is accepted by Mr. Bahri, Id. APP for the State.



8. The Registry is directed to requisition the TCR and prepare the appeal paperbook with proper indexing, pagination and bookmarks expeditiously and provide digitized copies thereof to Id. Counsel appearing on behalf of the parties, upon request. Let the TCR be tagged along with this appeal by the next date of hearing.

CRL.M.(BAIL) 66/2025 (for suspension of sentence)

9. This is an application filed by the Appellant under Section 430 read with Section 528 of the BNSS seeking suspension of sentence and release on bail during the pendency of the present appeal.

10. Issue notice. Notice is accepted by Mr. Bahri, Id. APP for the State.

11. Let the State file a reply/status report by the next date of hearing.

12. Let the latest nominal roll along with any other relevant material in respect of the Appellant be placed on record by the concerned Jail Superintendent by the next date of hearing.

13. Notice be also issued to the complainant through the concerned SHO. If the complainant's family needs a legal aid counsel, they may approach the Delhi High Court Legal Services Committee (hereinafter "DHCLSC").

14. Issue notice to the Secretary, District Legal Services Authority (hereinafter "DLSA"), South East, Saket Courts. DLSA, South-East shall also file a report as to the status of the payment of compensation to the survivor.

15. Copy of the order be communicated to the concerned Jail Superintendent for necessary information and compliance.

16. Copy of the order be communicated to the Secretary, DHCLSC for necessary information and compliance.

17. List before the Joint Registrar on 24th February, 2025.



18. List before the Court on 18th March, 2025.

PRATHIBA M. SINGH, J

AMIT MAHAJAN, J

JANUARY 14, 2025/Ch