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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.A. 71/2026 & CRL.M.A. 1848/2026, CRL.M.A.
1849/2026, CRL.M.(BAIL) 118/2026
GHAFFAR ALIAS GUDDUAppellant

Through: Ms. Inderjeet Sidhu (DHCLSC) with
Mr. Lalit Chaudhary, Ms. Devyani
Singh, Advs.

versus

THE STATE GOVT OF NCT DELHI

.....Respondent
Through: Mr. Ritesh Kr. Bhari, APP with Ms.
Divya Yadav, Adv.

CORAM:
JUSTICE PRATHIBA M. SINGH
JUSTICE MADHU JAIN

ORDER
% **19.01.2026**

1. This hearing has been done through hybrid mode.

CRL.M.A. 1848/2026 (for exemption)

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

CRL.M.A. 1849/2026 (for condonation of delay)

3. This is an application seeking condonation of delay of 189 days in filing of the present appeal.

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

5. The application is allowed and is disposed of accordingly.



CRL.A. 71/2026

6. The present appeal has been filed by the Appellant under Section 415(2) read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 challenging the impugned judgement dated 25th February, 2025 and order on sentence dated 9th May, 2025 passed by the Ld. ASJ, (SC-POCSO), South East District, Saket Courts, New Delhi in **Sessions Case No.127/2020** arising out of **FIR No.34/2020** registered at P.S. Jamia Nagar under Sections 363/366/376/506 of IPC and Section 6 of POCSO Act, 2012.

7. *Vide* the impugned judgement, the Appellant has been convicted for offences punishable under Sections 363/366/376(2)(n)/506 of IPC and Section 6 of POCSO Act, 2012. *Vide* the impugned order on sentence, the Appellant has been awarded sentence in the following terms:

“[...]

21. In the opinion of this Court, there are aggravating circumstances, which dominate in the facts and circumstances of the present case and, the convict does not deserve any leniency. Hence, considering the age of the convict at the time of the commission of offence, and his present family circumstances, the convict is hereby sentenced as under:-

*(i) To undergo **Rigorous Life Imprisonment**, which shall mean the imprisonment till the remainder of natma¹ life of the convict, 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 shall undergo Simple Imprisonment for a period of two years.*

*(ii) To undergo **Rigorous Imprisonment of 07 years***



and to pay a fine of Rs. 10,000/- for the offence punishable u/s 363 IPC, and in default of fine, the convict shall undergo Simple Imprisonment for a period of two months.

(iii) To undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs. 10,000/- for the offence punishable u/s 366 IPC, and in default of fine, the convict shall undergo Simple Imprisonment for a period of two months

(iv) To undergo Rigorous Imprisonment for 07 years, and fine of Rs. 25,000/-, for the offence punishable u/s 506 IPC.

(v) As the convict has been awarded imprisonment under Sec. 6 of POCSO Act, 2012, by virtue of Sec 42 of POCSO Act, 2012, the said punishment is greater in degree to the punishment prescribed u/s 376(2)(n) IPC, and hence, no separate imprisonment is being awarded for committing the offence u/s 376(2)(n) IPC.

22. The total fine imposed upon the convict shall be deposited in the Court.

23. No fine paid.

24. All the sentences awarded to the convict Ghaffar @ Guddu shall run concurrently.”

8. Ms. Inderjeet Sidhu, Id. Counsel submits that the Appellant is in judicial custody.
9. Admit.
10. Issue Notice. Mr. Ritesh Kumar Bahri, Id. APP accepts notice on behalf of the State.
11. 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 Counsels appearing on behalf of the parties, upon request. Let the TCR be tagged along with this appeal by the next date of hearing.

12. Let the physical TCR be requisitioned to the Court on the next date of hearing by the Registry.

CRL.M.(BAIL) 118/2026.

13. The present application filed by the Appellant under Section 430 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking suspension of sentence and release of the Appellant on bail during pendency of the instant appeal.

14. Issue notice. Notice is accepted by Mr. Ritesh Kumar Bahri, Id. APP for the State.

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

17. *Vide* the impugned order on sentence, certain compensation has been awarded to the survivor.

18. Notice be also served by the concerned I.O., upon the Survivor. If the Survivor seeks legal aid Counsel, the same shall be provided by the Delhi High Court Legal Service Committee.

19. Issue notice to Secretary, Delhi Legal Service Authority (*hereinafter*, 'DLSA') South East.

20. Let the DLSA file a status report as to the disbursement of the compensation to the Survivor.

21. 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.



22. Let an affidavit be filed by the Appellant stating criminal antecedents of the Appellant by the next date of hearing.
23. Copy of this order be communicated to the concerned Jail Superintendent for necessary information and compliance.
24. Copy of this order be communicated to the Secretary, Delhi High Court Legal Services Committee.
25. Copy of this order be communicated to the Secretary, DLSA, South East for necessary information and compliance.
26. List on 24th March, 2026.

PRATHIBA M. SINGH, J

MADHU JAIN, J

JANUARY 19, 2026/prg/SM