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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 89/2026**

AFAM @FM

.....Appellant

Through: Ms. Jahanvi Worah, Adv.

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri, APP with Ms.
Divya Yadav & Mr. Lalit Luthra, Adv.
Insp. Sudhir Kumar, PS Jamia Nagar.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

ORDER

% **27.01.2026**

1. This hearing has been done through hybrid mode.

CRL.M.A. 2576/2026 (for exemption)

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

CRL.M.A. 2577/2026 (for condonation of delay)

3. The present application has been filed by the Appellant under Section 5 of the Limitation Act read with 528 of BNSS, 2023 seeking condonation of delay of 1068 days in filing the present appeal.

4. Ms. Jahanvi Vohra, Id. Counsel for the Appellant submits that the Appellant has been in custody for more than 9 years and therefore, she prays that the delay may be condoned as it is a legal aid matter.

5. The appeal is extremely belated. However, considering the fact that the Appellant has been in judicial custody all along, the delay in filing the appeal is condoned.

6. The present application is allowed and accordingly disposed of.

CRL.A.89/2026

7. The present appeal has been filed by the Appellant under Section 415 of the Bharatiya Nagarik Suraksha Sanhita, 2023 challenging the impugned



judgement dated 1st August, 2022 and the order on sentence dated 20th December, 2022, passed by Id. ASJ-04, Special Judge(NDPS), South East District, Saket Court, Delhi. in **Sessions Case No. 2457/2016** arising out **FIR No. 558/2015** registered at P.S. Jamia Nagar, Delhi for offences punishable under Section 302 of Indian Penal Code, 1860 (*hereinafter, 'IPC'*).

8. *Vide* the impugned judgement, the Appellant has been convicted under Section 302 IPC and Section 25 of the Arms Act. *Vide* the impugned order on sentence, the Appellant has been awarded life imprisonment in the following terms:

“8. Therefore, keeping in perspective the totality of circumstances and facts of this case, I am of the opinion that ends of justice would be met if the convict is sentenced to undergo imprisonment for life for the offence punishable under Section 302 IPC and sentenced for a period already undergone for the offence punishable u/s 25 Arms Act. It is directed accordingly.
”

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) 161/2026 (for suspension of sentence)

13. The present application has been filed by the Appellant under Section 430



of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking suspension of sentence and release on bail during the pendency of the present appeal.

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

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

16. *Vide* the impugned order on sentence, certain compensation has been directed to be granted to family members of the deceased.

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

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

19. 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.

20. Let the affidavit concerning the previous involvements of the Appellant be filed by Id. Counsel for the Appellant. Let the same be verified by Mr. Bahri, Id. APP and the status report shall also be filed.

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

22. Copy of this order be communicated to the Secretary, DLSA, South-East, District for necessary information and compliance.

23. List on 24th March, 2026.

PRATHIBA M. SINGH, J

MADHU JAIN, J

JANUARY 27, 2026/dj/sm