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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.A. 97/2025&CRL.M.(BAIL) 180/2025, CRL.M.A. 2481/2025
Exemption, CRL.M.A. 2482/2025 (Delay)
SAJIDAppellant

Through: Mr. Hemant Singh & Ms. Urvashi
Jain, Advs.

versus

STATE GOVT. OF NCT OF DELHIRespondent
Through: Mr. Sanjeev Sabharwal, APP for the
State.
SI Rajveer, P.S. Neb Sarai.

CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA

ORDER
28.01.2025

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1. This hearing has been done through hybrid mode.
CRL.M.A. 2481/2025 (Exemption)
2. Exemption allowed, subject to all just exceptions. The application stands disposed of accordingly.
CRL.M.A. 2482/2025 (Exemption)
3. The present application under Section 5 of the Limitation Act read with Section 528 of the BNSS seeks condonation of delay of 38 days in filing the captioned appeal.
4. Issue notice. Learned APP accepts notice on behalf of the State and fairly does not oppose the application.
5. In view of the averments made in the application, the same is allowed,



the delay of 38 days in filing the appeal is condoned. The application stands disposed of.

CRL.A. 97/2025

6. The present appeal under Section 415 of the BNSS has been filed assailing the impugned judgment of conviction and order on sentence dated 03.09.2024 and 21.10.2024, respectively passed by Mr. Devender Kumar Sharma, learned ASJ-01, Special Court (POCSO), South District, Saket Courts Complex, New Delhi in Sessions Case No. 6737/2016, arising out of FIR No. 1646/2015, under Sections 376(2) of the IPC and Section 6 read with Section 5 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'POCSO Act') registered at P.S. Neb Sarai.

7. *Vide* the impugned judgment of conviction and order on sentence, the appellant has been convicted for offences punishable under Sections 376 of the IPC and Section 4 read with Section 3 of the POCSO Act. The appellant has been sentenced to undergo 7 years of rigorous imprisonment for the offence punishable under Section 376(1) of the IPC alongwith fine of Rs. 50,000/- and a further simple imprisonment for a period of 6 months in default of payment of fine. Out of the said fine amount, if so realized, Rs. 15,034/- to be paid to the State towards the expenses incurred on the prosecution and the remaining fine amount under this offence, if so realized, be paid to the victim as compensation.

8. Admit.

9. The Registry is directed to requisition the Trial Court Record with proper index, pagination and bookmarks for perusal of this Court before the next date of hearing.

CRL.M.(BAIL) 180/2025 (Suspension of Sentence)



10. The present application under Section 430 of the BNSS seeks suspension of sentence and release of the appellant on bail during pendency of the instant appeal.
11. Issue notice.
12. Learned APP for the State accepts notice and seeks time to file a status report. Let the same be filed before the next date of hearing.
13. Issue notice to the survivor in writing to be served through the SHO concerned for the next date of hearing.
14. List on 28.04.2025.
15. In the meantime, let the latest nominal roll be requisitioned from the concerned Jail Superintendent.
16. Copy of the order be sent to the concerned Jail Superintendent, for necessary information and compliance.

AMIT SHARMA, J

JANUARY 28, 2025/nk

[Click here to check corrigendum, if any](#)