



\$~21

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

+ CRL.A. 107/2025

SHRI KRISHAN

.....Appellant

Through: Mr. Jatan Singh, Sr. Adv. with
Ms. Sakshi Sachdeva, Ms. Vanshika Adhana,
Ms. Jashank Shrivastava and Mr. Kartikeya
Basoya, Advs.

versus

THE STATE GOVT OF NCT OF DELHI & ANR.Respondents

Through: Ms. Meenakshi Dahiya, APP for State
with SI Ritu.

Complainant in person.

CORAM:

HON'BLE MR. JUSTICE AJAY DIGPAUL

ORDER

%

28.08.2025

CRL.M.(BAIL) 196/2025 (Suspension of Sentence)

1. The petitioner/applicant seeks suspension of his sentence as meted out *vide* order on sentence dated 16.01.2025. The applicant was convicted under Section 6 the Protection of Children from Sexual Offences, 2012 (hereinafter POCSO) and Section 376(2)(i) of the Indian Penal Code, 1860 (hereinafter IPC), *vide* order of conviction dated 12.12.2024. However, the learned Court chose to sentence the applicant under Section 6 of the POCSO due to it being carrying more stringent consequences when compared with Section 376 of the IPC. The applicant has been sentenced to rigorous imprisonment of 12 years along with a fine of ₹5,00,000/- for offences punishable under Section 6 of the POCSO.



2. Per details of the order of conviction, the applicant was a neighbour of the victim, having provided the victim's family financial aid for many years. Given this, the applicant was in a fiduciary relationship with this family where its members had placed a degree of trust and dependability upon him. Despite this, the applicant breached the sanctity of trust by committing rape upon the minor victim.
3. In consideration of the total time spent by the applicant in judicial custody; being only around 1.5 years, while the total sentence to be served by him amounting to 12 years, no ground is made out for suspension of the applicant's sentence. Moreover, the offence for which the applicant has been convicted is heinous in nature, to say the very least – evidenced by the gravity of the sentence which has been meted out to him.
4. At this stage, no case for suspension of the applicant's sentence has been made out.
5. The application is disposed of for the aforesaid reasons.

AJAY DIGPAUL, J

AUGUST 28, 2025

Sk/av