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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.A. 190/2025

MR. SAMRAJ @ FADHU (IN JC)

.....Appellant

Through: Mr. M. Hasibuddin, Adv. (M:
9810468429)

versus

THE STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr. Ritesh Kumar Bahri, APP with
Ms. Divya Yadav and Mr. Lalit
Luthra, Advts. with Insp. Neeraj, PS
Ambedkar Nagar.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE DHARMESH SHARMA

ORDER

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14.02.2025

1. This hearing has been done through hybrid mode.

CRL.M.A. 4804/2025 (For Exemption)

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

CRL.A. 190/2025

3. The present appeal under Section 415(2) of the BNSS, 2023 has been filed by the Appellant – Samraj @ Fadhu challenging the impugned judgment of conviction dated 25th November, 2024 and the order on sentence dated 10th February, 2025 passed by the Id. ASJ-(FTC)-01, South District, Saket Courts, Delhi in *Sessions Case No.7363/2016* arising out of *FIR No.796/2014* registered at *PS Ambedkar Nagar* under Sections 302/34 IPC and Sections 25/27 Arms Act. The Appellant has been sentenced to life imprisonment and fine of Rs.30,000/- and relevant portion of the order on sentence is as follows:



• **Convict Samraj @ Fadhu is sentenced to Life Imprisonment and fine of Rs. 30,000/- to be paid as compensation to the father of deceased, for the offence u/s 302 IPC.** The offence committed by the convict, however, does not fall within the 'rarest of rare' category.

- Fine not paid.
- Convict Samraj @ Fadhu is sentenced to the period already undergone under detention for the offences u/s 25/27 Arms Act.
- The LR of the deceased are also referred to DLSA, South, Saket Courts, New Delhi for rehabilitation/compensation under the Delhi Victim compensation Scheme, 2018."

4. Admit.

5. 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 learned 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) 325/2025 (For Suspension of Sentence)

6. The present application has been filed by the Applicant/Appellant under Section 430 of BNSS, 2023 seeking suspension of sentence and release of the Appellant on bail during pendency of the instant appeal.

7. The Id. Counsel for the Appellant submits that the Appellant has served more than 6-8 years and deserves to be considered for suspension of sentence as he has a *prime facie* case to show that he is not guilty.

8. Issue notice.

9. Let the status report be filed by the next date of hearing.

10. In the meantime, the latest nominal roll be requisitioned from the



concerned Jail Superintendent.

11. Copy of the order be communicated to the concerned Jail Superintendent, for necessary information and compliance.
12. List for consideration of the application on 24th March, 2025.

PRATHIBA M. SINGH, J.

DHARMESH SHARMA, J.

FEBRUARY 14, 2025/gunn/Am