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

+ CRL.A. 509/2025
PANKAJ VERMA

.....Appellant

Through: Ms Pratiksha Sharma, Mr. Ankit
Acharya, Mr. Ayush Jain and
Mr.Mukesh, Advocates.

versus

STATE OF (NCT OF DELHI)

.....Respondent

Through: Mr. Utkarsh, APP for the State with
SI Anju, PS S.J. Enclave.

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

ORDER

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22.05.2026

CRL.M.(BAIL) 867/2025

1. This application under Section 430 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 has been filed on behalf of the
sole accused in Sessions Case No. 129/2018 on the file of
Additional Sessions Judge (Special Court-PoCSO), South District,
Saket Courts Complex, Delhi, seeking suspension of sentence
during pendency of the appeal. As per the impugned judgment
dated 22.01.2025, the appellant/ accused has been found guilty of
the offences punishable under Sections 376(2)(n), 451 and 506 IPC
as well as Section 6 of the PoCSO Act. *Vide* order on sentence



dated 01.03.2025, he has been sentenced to varying terms of imprisonment for the aforesaid offences. The sentences have been directed to run concurrently. Therefore, the maximum sentence he will have to undergo is for a period of 12 years.

2. It is submitted by the learned counsel for the appellant/accused that out of 12 years, the appellant has already served a period of 3 years. It is also submitted that there is no FSL to support the prosecution case. The testimony of the prosecutrix is inconsistent and contradictory to the testimony of her brother who is stated to be an eye-witness. There is also evidence to show that there was previous animosity between the parties and, therefore, in the light of such unsatisfactory evidence, the trial court ought not to have convicted the accused for the offences charged against him.

3. The application is opposed by the learned Additional Public Prosecutor for the respondent/ State.

4. Heard both sides.



5. I was taken through Ext. PW1/A FIS/FIR, Ext. PW1/H the 164 statement as well as the testimony of the victim. It is well settled that while considering an application for suspension of sentence, the appellate court is only to examine if there is such patent infirmity in the order of conviction that renders it prima facie erroneous. Where there is evidence that has been considered by the trial court and conclusions arrived at, the appellate court, while exercising its power for suspension of sentence, cannot re-assess or re-analyze the same evidence and take a different view, to suspend the execution of the sentence and release the convict on bail. (See **Preet Pal Singh vs State of U.P., (2020) 8 SCC 645**)

7. No patent infirmity is seen. Hence, the application seeking suspension of sentence is dismissed.

CRL.A. 509/2025

8. List on 11.12.2026.

CHANDRASEKHARAN SUDHA, J

MAY 22, 2026/kd