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

+ CRL.A. 225/2021 & CRL.M.(BAIL) 987/2021

MINTAAZ

.....Appellant

Through: Mr Sunil Choudhary, Advocate

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Aashneet Singh, APP for the
State

+ CRL.A. 682/2023 & CRL.M.A. 22746/2023

STATE

.....Appellant

Through: Mr. Aashneet Singh, APP for the
State

versus

MINTAAZ

.....Respondent

Through: Mr Sunil Choudhary, Advocate

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN

SHANKAR

ORDER

28.05.2025

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1. CRL.A. 225/2021 has been filed by the Appellant/Convict challenging the Judgment of Conviction dated 03.12.2020 and order on Sentence dated 12.01.2021, passed by the learned Additional Sessions Judge, South West District, Dwarka Courts, Delhi, in SC No.362/2017



arising out of FIR No.797/2016, dated 09.11.2016, registered at Police Station Uttam Nagar for offences punishable under Section 6 of the POCSO Act and Sections 376, 377 & 506 of the IPC.

2. *Vide* Judgment dated 03.12.2020, the Appellant herein has been convicted for offences punishable under Section 6 read with Section 5(m) of the POCSO Act and Section 376(2)(i) read with Section 375(a) and Section 506 Part I read with Section 503 IPC. *Vide* Order on Sentence dated 12.01.2021, the Appellant has been sentenced for 12 years rigorous imprisonment for offences punishable under Section 6 read with 5(m) of the POSCO Act with fine of Rs.3,000/-. In default of payment of fine, the convict has been directed to further undergo simple imprisonment for a period of one month. For the offences punishable under Section 506 Part I read with Section 503 IPC, the Appellant has been directed to undergo rigorous imprisonment for a period of one year with fine of Rs.2,000/-. In default of payment of fine, the Appellant has been directed to further undergo simple imprisonment of a period of 15 days.

3. CRL.A. 682/2023 has been filed by the State challenging the Order on Sentence dated 12.01.2021 passed by the learned Additional Sessions Judge, South West District, Dwarka Courts, Delhi stating that the accused ought to have been sentenced for 20 years rigorous imprisonment for the offence punishable under Section 6 of the POCSO Act, as the allegation against the Appellant is that he committed penetrative sexual assault on two children, who are below the age of 12 years and therefore, the punishment could not have been for less than 20 years.

4. After hearing the learned Counsel for the Appellant/Convict for some time and perusing the material on record, this Court is of the opinion that it



would be expedient to hear the appeals of the Appellant/Convict and the State, rather than hearing the application for suspension of sentence.

5. Paperbook has not yet been prepared. The Registry is directed to prepare the paperbook and supply a copy of the same to the learned Counsel for the Appellant/Convict and the learned APP for the State before the next date of hearing.

6. List on 23.09.2025 for final hearing.

7. In case for any reason the appeal is not heard, it is always open for the Appellant/Convict to press for his application for suspension of sentence.

SUBRAMONIUM PRASAD, J.

HARISH VAIDYANATHAN SHANKAR, J.

MAY 28, 2025

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