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

+ **CRL.A. 525/2026**

SABBIR KHAN

.....Appellant

Through: Mr. Akhilesh Kr. Singh and Mr.
Anil Kr. Singh, Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Raghuinder Verma, APP with
Ms. Niketa Manish, Adv.
ASI-Vikram Singh, PS: Karawal
Nagar

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

22.05.2026

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CRL.A. 525/2026

1. By virtue of the present appeal under *Section 415* of the Bharatiya Nagarik Suraksha Sanhita, 2023 (**BNSS**), the appellant *inter alia* seeks to challenge the judgment on conviction dated 25.04.2026 and order on sentence 30.04.2026 passed by learned Special Judge, NDPS/Additional Session Judge, North-East District, Karkardooma Courts, Delhi (**learned Trial Court**) in SC No.387/2022 arising out of FIR No.431/2015 registered at PS: Karawal Nagar under *Sections 307/34* of the Indian Penal Code, 1860 (**IPC**), whereby he has been found guilty of the offence under *Section 325/34* IPC and was sentenced to undergo rigorous imprisonment for a period of *two years and six months* alongwith fine of Rs.5000/-, in default whereof to undergo further simple imprisonment of *one month*.

2. Admit.



3. Issue notice. Learned APP for the State accepts notice.
4. Let TCR be requisitioned in the digitised form from the learned Trial Court within a period of *four weeks*.
5. List this appeal in due course in the category of '*Regulars*' as per the year of its seniority.

CRL.M.(BAIL) 1063/2026 (*Suspension of sentence*)

6. By virtue of the present application under *Section 430* of the BNSS, the appellant seeks suspension of sentence imposed *vide* order on sentence 30.04.2026 passed by learned Trial Court in SC No.387/2022, arising out of FIR No.431/2015 registered at PS: Karawal Nagar under *Sections 307/34* IPC, whereby the appellant was sentenced to undergo rigorous imprisonment for a period of *two years and six months* alongwith fine of Rs.5000/-, in default whereof to undergo further simple imprisonment of *one month*.
7. As per appellant, the maximum sentence imposed upon the appellant is *two years and six months*; he has a strong case on merits, with a reasonable likelihood of success in the present appeal; and lastly the present appeal, having been recently filed, is not likely to be taken up for final hearing in the immediate future and custody of the appellant would defeat the very purpose of the appeal.
8. *Per contra*, learned APP for the State fairly submits that the application for suspension of sentence may be considered in accordance with law.
9. This Court has heard learned counsel for the parties as also perused the materials on record.
10. Considering the totality of the facts and circumstances involved



herein, especially since the appellant has been sentenced with a fixed term of *two years and six months*, of which he has already undergone nearly *nine days* and that the appeal filed by him has already been admitted and is not likely to be heard in the near future, and further bearing in mind the principles laid down by Hon'ble Apex Court in ***Bhagwan Rama Shinde Gosai & Ors. v. State of Gujarat:(1999) 4 SCC 421*** and ***Aasif @ Pasha v. The State of U.P. & Ors.:2025 SCC OnLine SC 1644***, the sentence awarded to the appellant *vide* order on sentence 30.04.2026 passed by learned Trial Court in SC No.387/2022, arising out of in FIR No.431/2015 registered at PS: Karawal Nagar under *Sections 307/34 IPC*, shall remain suspended pending disposal of the captioned appeal, however, subject to the following conditions:-

- a. The appellant shall not leave the country without prior permission of this Court.
- b. In case of any changes in the residential/ permanent address/ contact details/ phone number, the appellant shall inform this Court;
- c. The appellant shall appear before this Court if, as and when directed.

11. As such, the present application is allowed and disposed of in the aforesaid terms.

12. A copy of this order be forwarded to the concerned Jail Superintendent for information and compliance.

SAURABH BANERJEE, J

MAY 22, 2026/Ab