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

+ CRL.REV.P. 387/2026
MOHD KASIM

.....Petitioner

versus

THE STATE OF GOVT OF GNCT OF DELHI

.....Respondent

+ CRL.REV.P. 388/2026
MOHD ABID

.....Petitioner

versus

THE STATE OF GOVT OF GNCT OF DELHI

.....Respondent

Appearances:

Mr. Varun Dhingra, Mr. Abdullah Shahid, Mr. Haider Khan, Mr. Devansh Sehgal, Mr. Umar Hashmi, Mr. Ayush Kumar, Ms. Iqra Sheikh, Advocates for petitioners.

Mr. Yudhvir Singh Chauhan, APP. SI Virender, PS-Kamla Market.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **08.07.2026**

CRL.M.A. 19421-22/2026 (for exemption) in CRL.REV.P. 387/2026

CRL.M.A. 19423-24/2026 (for exemption) in CRL.REV.P. 388/2026

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

CRL.M.(BAIL)1265/2026, CRL.M.(BAIL) 1266/2026 & CRL.REV.P. 387/2026



**CRL.M.(BAIL)1267/2026, CRL.M.(BAIL) 1268/2026 & CRL.REV.P.
388/2026**

1. The petitioners have preferred the present revision petitions assailing the order dated 04.07.2026 passed by the learned Sessions Court, whereby the judgment dated 05.11.2024 of the learned Magistrate's Court convicting the petitioners for the offence punishable under Section 420 read with Section 120 of the Indian Penal Code, 1860 ["IPC"] was affirmed. The learned Sessions Court also dismissed the appeal directed against the order on sentence dated 17.04.2025, whereby the petitioners were sentenced to undergo simple imprisonment for a period of two years and to pay a fine of Rs.10,000/- each.

2. Mr. Varun Dhingra, learned counsel for the petitioners, submits that the proceedings were initiated at the instance of a person claiming to be the *Mutawalli* of *Masjid Hanafi Gali Mir Madari, Delhi*, who alleged that the petitioners had projected themselves as the Management Committee of the said masjid and had collected donations by issuing receipts. He further submits that, although it was alleged that the petitioners had collected donations amounting to approximately Rs.80,00,000/-, the prosecution, during the course of the trial, led evidence only in respect of two donations of Rs.100/- each and one donation of Rs.25/-.

3. According to Mr. Dhingra, both the learned Magistrate's Court and the learned Sessions Court disregarded the petitioners' contention in this regard on the ground that the quantum involved was irrelevant to the offence of cheating. Without prejudice to the petitioners' other contentions, Mr. Dhingra submits that the quantum involved is, in any



event, a relevant consideration for the purpose of sentencing, particularly while considering the petitioners' prayer for the benefit of probation under the Probation of Offenders Act, 1958.

4. In view of the aforesaid, Mr. Dhingra seeks interim suspension of the sentence imposed upon the petitioners. He submits that the petitioners had been granted suspension of sentence during the pendency of the criminal appeal; however, pursuant to the dismissal of the appeal and the passing of the impugned judgment by the learned Sessions Court on 04.07.2026, they were taken into custody. He further submits that the petitioner in CRL.REV.P. 388/2026 is 75 years of age and is a cardiac patient who has a pacemaker implanted.

5. These matters require further consideration.

6. Issue notice. Mr. Yudhvair Singh Chauhan, learned Additional Public Prosecutor, accepts notice on behalf of the State. Notice also be issued to the complainant by all permissible modes, including through the Investigating Officer ["IO"].

7. For the present, having regard to the aforesaid submissions, and the fact that the petitioners have been sentenced to undergo imprisonment for a period of two years, the sentence imposed upon them is suspended, subject to the petitioners depositing the fine imposed by the learned Magistrate's Court and, thereafter, furnishing a personal bond in the sum of Rs.50,000/- each with two sureties each in the like amount, to the satisfaction of the learned Metropolitan Magistrate, and further subject to the following conditions:

- a) The petitioners shall appear before this Court as and when the revision petitions are taken up for hearing;



- b) The petitioners shall furnish their mobile numbers to the IO and also to the Registry of this Court on affidavit, and shall keep the same in working condition at all times. The said mobile numbers shall neither be switched off nor changed without prior intimation to this Court during the pendency of the revision petitions;
 - c) The petitioners shall furnish their permanent addresses, as well as the addresses where they are presently residing, to the IO, and also to the Registry of this Court on affidavit, and shall promptly inform this Court of any change in their addresses;
 - d) The petitioners shall not leave the country without the prior permission of this Court;
 - e) The petitioners shall not commit any offence during the period of their release.
8. List on 01.10.2026.
9. A copy of this order be communicated to the concerned Jail Superintendent electronically for information and necessary compliance.

PRATEEK JALAN, J

JULY 8, 2026/“B”/SD/