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

+ CRL.A. 607/2023

PARVEEN KUMAR

.....Appellant

Through: Mr. Shivek Trehan and Ms. Ayushi
Sinha, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
Mr. P. Malik, Advocate for victim

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

25.08.2025

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CRL.M.(BAIL) 1086/2023 (suspension of sentence)

1. The present application has been filed seeking suspension of sentence during the pendency of the appeal.
2. By way of the appeal, the appellant seeks to assail the judgement of conviction dated 18.05.2023 vide which he has been convicted for offences punishable under Section 363/342/324/377/506(II) IPC and Section 6 of POCSO Act and vide order on sentence dated, 27.05.2023 he has been directed to undergo rigorous imprisonment for a period of 15 years for the offence punishable under Section 6 of POCSO Act alongwith payment of fine of Rs.6,000/-, in default whereof, he was directed to further undergo simple imprisonment for a period of one month; rigorous imprisonment for a period of 2 years for the offence punishable under Section 363 IPC alongwith payment of fine of Rs.1,000/-, in default whereof, he was directed to further undergo simple imprisonment for a period of one month; rigorous imprisonment for a period of 6 months for the offence punishable under Section 342 IPC alongwith payment of fine of Rs.1,000/-, in default whereof, he was directed to further undergo simple imprisonment for a period of 15 days; rigorous imprisonment for a period of 2 years for the offence punishable under Section 324 IPC alongwith payment of fine of Rs.1,000/-, in default whereof, he was directed to further undergo simple imprisonment for a period of 15 days and rigorous



imprisonment for a period of 3 years for the offence punishable under Section 506(II) IPC alongwith payment of fine of Rs.1,000/-, in default whereof, he was directed to further undergo simple imprisonment for a period of one month. The benefit of Section 428 Cr.P.C. has also been provided to the appellant and all the sentences were directed to run concurrently.

3. Learned counsel for the appellant submits that the case of the prosecution stands belied by the fact that the MLC of the victim does not lend any credence. In this regard, he has referred to the MLC where no abrasion or active injuries were noted in the rectal region. He further submits that there is a doubt on Register No.19 as the same were never produced in the trial. He further submits that the allegations of giving beatings by hammer is also unreliable as the same was never seized.

4. Learned APP for the State, duly assisted by learned counsel for the complainant, has opposed the present application.

5. I have gone through the testimony of the child as well as the MLC and FSL report. The child victim has stated that prior to committing the offence of sodomy, the appellant had hit the child victim on legs, head and face with hammer and screw driver. He also slashed the face with blades and scratched the child victim with nails. A perusal of the MLC of the child victim would show that at the time of the medical examination, multiple small abrasion and bruises were noted on the face, head and neck and clotted blood was found on nasal opening, swelling on the right cheek and blackening all around right eye. The peri anal region of the victim was found wet and swollen. The FSL report concludes as under:-

“CONCLUSION

The DNA profiling (STR analysis) performed on the exhibits is sufficient to conclude that the DNA Profile generated from the source of exhibit '1p' (blood collection of victim) is similar with the male DNA Profile generated from the source of exhibits '1n1' (cotton wool swab) '1n2' (Microslides) & '4'(underwear of accused). The exhibit '3'(Blood gauze of accused) has been preserved in this laboratory for future reference, if any.”

6. In view of the above, I find no ground to entertain the present application. Accordingly, the same is dismissed.



CRL.A. 607/20230

List in due course.

AUGUST 25, 2025
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MANOJ KUMAR OHRI, J