



\$~64

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.A. 889/2025, CRL.M.A. 18836/2025, CRL.M.(BAIL)
1396/2025
SATISH @ TINIPAL

.....Petitioner
Through: Mr. Alok Pandey and Mr.
Mohit Kumar, Advs.

versus

STATE GOVT. OF NCT OF DELHI
.....Respondent
Through: Mr. Satish Kumar, APP with
WSI Om Yadav, PS Palam
Village.

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
% **04.07.2025**

1. The present appeal has been filed under Section 415 of the Bharatiya Nagarik Suraksha Sanhita, 2023 on behalf of the petitioner to assail the Judgment dated 30.05.2025 and Order on Sentence dated 06.06.2025 passed by the learned Additional Sessions Judge (FTSC)(POCSO)-02, Dwarka Courts, New Delhi in case bearing SC No. 235/2018 titled as “*State vs. Satish @ Tinipal & Anr.*” arising out of the FIR No. 82/2018 dated 06.03.2018 registered under Sections 342/365/354/34 of the Indian Penal Code, 1860 (“IPC”) at Police Station Palam Village.



2. The learned counsel for the petitioner submits that the petitioner has been sentenced to undergo Simple Imprisonment for one year with fine of Rs. 2,000/- and in default of payment of fine, 01 month of Simple Imprisonment for the offence punishable under Section 354 IPC and to under Simple Imprisonment for 03 years with fine of Rs. 5,000/-, in default of payment of fine, 02 months of Simple Imprisonment for the offence punishable under Section 365 IPC.

3. The learned counsel for the petitioner submits that, while convicting the appellant, the learned Trial Court failed to appreciate the major contradictions appearing in the evidence led by the prosecution. It is contended that the petitioner was never present at the spot at the time of the alleged incident and had never met the victim. In fact, he had gone to the RTO for renewal of his driving licence, the relevant documents of which were handed over to the Investigating Officer; however, the same were overlooked during the course of investigation as well as during trial.

4. He submits that the appellant has been falsely implicated in the present case on the sole evidence of the victim without appreciating the material contradictions in the statement of the victim.

5. The learned counsel submits that, *vide* Order dated 06.06.2025, the sentence of the petitioner was suspended by the learned Trial Court for a period of 30 days, which is set to expire on 06.07.2025. He further submits that during the course of the trial, the petitioner remained on bail, except for a period of one month and ten days when he was initially in custody until his bail application was allowed. In these circumstances, he prays that the sentence of the petitioner be



suspended.

6. Issue notice.

7. Mr. Satish Kumar, learned APP for the State accepts notice and seeks time to file reply. Let the same be filed at least three days in advance of the next date of hearing, with an advance copy to the opposite side.

8. In view of the mandate of the Supreme Court in ***Jagjeet Singh & Ors. vs. Ashish Mishra @ Monu & Anr.*** (2022) 9 SCC 321, intimation be issued through the IO/SHO to the prosecutrix, who may either appear in person or through video conferencing, or be represented through an Advocate, on the next date of hearing.

9. Re-notify on 24.09.2025.

10. In the meanwhile, the suspension of sentence of the appellant is extended on the same terms and conditions as contained in the Order dated 06.06.2025, till the next date of hearing.

SHALINDER KAUR, J

JULY 4, 2025/ss/sk

[Click here to check corrigendum, if any](#)