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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Date of decision: 30.10.2025

+ CRL.A. 1149/2019

STATE

.....Petitioner

Through: Mr. Nawal Kishore Jha, APP for State.

versus

PARVESH RANA & ANR.

.....Respondents

Through: Mr. Neeraj Rana, Adv. for Mr.
Parvesh Rana, Adv. For R-1.
Mr. Ankur Sharma, Adv. For R-2.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (Oral)

1. The present appeal has been filed by the State under Section 377 of the Code of Criminal Procedure, 1973, assailing the Order on Sentence dated 10.07.2019, passed by the learned Additional Sessions Judge/Special Fast Track Court, North District, Rohini Courts, on the ground that the sentence meted out is inadequate.
2. We are told that convicted accused (respondents herein) have neither challenged their conviction nor sentence.
3. At present, thus, we are only concerned with the issue whether the sentence awarded to the respondents is adequate or not and whether the same needs to be enhanced.



4. Learned APP, in all fairness, concedes to the fact that the present case is of simpliciter rape and not a case of ‘gang-rape’.
5. The offence took place on 19.03.2009.
6. As per section 376, prevalent at the relevant time, the sentence provided for said offence is as under:

“376. Punishment for rape.- (1) Whoever, except in the cases provided for by sub-section (2), commits rape shall be punished with imprisonment of either description for a term which shall not be less than seven years but which may be for life or for a term which may extend to ten years and shall also be liable to fine unless the women raped is his own wife and is not under twelve years of age, in which cases, he shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both:

Provided that the court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than seven years.”

(Emphasis supplied)

7. Thus, as per the aforesaid provision, the minimum sentence is of imprisonment for a term of seven years. However, as per above proviso, Court is empowered to award sentence for less than seven years, if there exists adequate and special reasons.
8. A careful perusal of impugned order on sentence would indicate that learned Trial Court, *inter alia*, noted that the physical encounter, with the prosecutrix, was with her consent and that the respondents had faced trial for more than ten years. Noting these mitigating factors, while burdening them with fine and compensation, they were sentenced to the period already



undergone by them. Learned Trial Court noted that respondent no.1 herein had undergone incarceration for more than six years, whereas respondent no.2 remained behind the bars for nearly five and a half years.

9. The respondents have, though, undergone incarceration for less than seven years, the reasons for lesser sentence have been given by learned Trial Court.

10. Learned APP for the State has not been able to show anything substantial which may indicate any arbitrariness or perversity in the quantum of sentence, necessitating any interference.

11. We may hasten to supplement that there is no straight jacket formula for sentencing and as per Krishna Iyer J., “*Guilt once established, the punitive dilemma begins.*” Court is, therefore, required to adopt a holistic approach. It has to take into account various aspects including the agony of trial, gravity of offence and also the prospects of rehabilitation of convicts. It can’t always be deterrent. A trial judge is, generally speaking, in a better position to decide the quantum of sentence, particularly when he also has the benefit of recording evidence and noticing demeanour.

12. Interference by the Appellate court would be required when sentence is found to be grossly inadequate or completely arbitrary.

13. We are also mindful of the fact that victim has not even challenged the order on sentence.

14. The present appeal is of the year 2019.

15. No material regarding respondents having committed any further offence(s), after their release, has been brought to our knowledge, either.



16. Therefore, we do not find any compelling reason to interfere with the order on sentence.
17. The present appeal is, accordingly, dismissed.
18. Pending applications, if any, also stand disposed of.

VIVEK CHAUDHARY, J

MANOJ JAIN, J

October 30, 2025

pb/sa