



\$~61

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.A. 905/2025, CRL.M.A. 19055/2025, CRL.M.A. 19056/2025, CRL.M.B. 1410/2025

BHAGWAN SWAROOP @ BUNTYAppellant
Through: Mr. Sowjhanya Shankaran, Ms.
Ankita Bachawat and Ms.
Charu Sinha, Advs.

versus

THE STATE (GOVT. OF NCT) DELHI & ANR.
.....Respondents
Through: Mr. Satish Kumar, APP for
State with SI Manish Tyagi, Ps
Kashmere Gate.

CORAM:
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
07.07.2025

%
1. The present appeal has been filed under Section 415(2) read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) assailing the Judgement of Conviction dated 24.03.2025 and Order on Sentence dated 15.04.2025 passed by the learned Additional Sessions Judge (FTSC) (POCSO) - 01, Central District, Tis Hazari Courts, New Delhi, ("ASJ") in Session Case No. 165/2019 arising out of FIR No. 11/2019 for offences punishable under Sections 366/354/354A of the Indian Penal Code, 1860 ("IPC") and Section 10 of the Prevention of Children from Sexual Offences Act, 2012 (POCSO Act) registered at Police Station Kashmere Gate, whereby, the appellant was convicted for the said offences.



2. The learned counsel for the appellant submits that the appellant has been convicted and sentenced as under:

- a) Under Section 10 of the POCSO Act: Rigorous Imprisonment for a period of seven years and a fine of ₹10,000/-; in default of payment of fine, to undergo Simple Imprisonment for six months.
- b) Under Section 354 of the IPC: Rigorous Imprisonment for a period of three years and a fine of ₹5,000/-, in default of payment of fine, to undergo Simple Imprisonment for three months.
- c) Under Section 354-A of the IPC: Rigorous Imprisonment for a period of two years and a fine of ₹5,000/-; in default of payment of fine, to undergo Simple Imprisonment for three months.
- d) Under Section 354-B of the IPC: Rigorous Imprisonment for a period of five years and a fine of ₹10,000/-; in default of payment of fine, to undergo Simple Imprisonment for six months.
- e) Further, under Section 366 of the IPC: Rigorous Imprisonment for a period of seven years and a fine of ₹10,000/-; in default of payment of fine, to undergo Simple Imprisonment for six months.

3. He further submits that all the sentences awarded to the petitioner have been directed to run concurrently.

4. He submits that the learned Trial Court did not find the case of the prosecution credible insofar as the allegation of sexually touching



the body parts of the prosecutrix is concerned; however, it proceeded to convict the appellant on the ground that the evidence on record sufficiently indicated sexual intent on his part in allegedly removing her clothes. He further submits that the appellant has been in custody for over three years and remained in custody throughout the course of the trial, except for the limited period when he was granted *interim* bail during the COVID-19 pandemic.

5. Issue notice.
6. Mr. Satish Kumar, learned APP accepts notice and seeks time to file a reply.
7. Let the reply be filed, within a period of six weeks, 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. Let the nominal roll of the appellant be called, from the concerned Jail Superintendent, before the next date of hearing.
10. Let the Trial Court Record, in digital form, be also requisitioned, before the next date of hearing.
11. List on 24.09.2025.

SHALINDER KAUR, J

JULY 7, 2025/SU/KP

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