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

+ **CRL.A. 974/2025**

SANJAY VALECHA

.....Appellant

Through: Mr. Aman Preet Singh Rahi, Mr.
Yoginder Chauhan and Mr. Puneet
Thakur, Advocates.

versus

STATE NCT OF DELHI AND ANOTHER

.....Respondents

Through: Mr. Mukesh Kumar, APP for State
with Mr. Vineet Awana and
Mr. Siddharth Goyal, Advocates with
Mr. Chandraveer, SI, PS-Amar
Colony.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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15.07.2025

CRL.M.A. 20071/2025 (for exemption)

1. Exemption is granted, subject to all just exceptions.
2. The Applicant shall file legible and clearer copies of exempted documents, compliant with practice rules, before the next date of hearing.
3. Accordingly, the application stands disposed of.

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4. Admit.
5. The Registry is directed to requisition the digitized copy of the Trial Court Record for the perusal of this Court with proper indexation, pagination and bookmarks.
6. Let the latest Nominal Roll be also requisitioned from the concerned



Jail Superintendent.

7. Issue notice to the Prosecutrix through the Investigating Officer, returnable on the next date of hearing.
8. Copy of the order be sent to the concerned Jail Superintendent, for necessary information and compliance.
9. Re-notify on 29th October, 2025.

CRL.M.(BAIL) 1503/2025 (suspension of sentence) & CRL.M.A. 20072/2025 (for stay on further proceedings)

10. The Applicant has been convicted for the offences under Section 354, 323, 509 and 506 of the Indian Penal Code, 1860¹ vide judgment of conviction dated 28th April, 2025, passed by the Additional Sessions Judge-05², South-East District, Saket Courts, Delhi in Criminal Appeal No. 352/2019. The said appeal was preferred by the Complainant, being aggrieved by the judgement of acquittal dated 23rd April, 2019, passed by the Metropolitan Magistrate, (Mahila Court), South-East District, Saket Courts.

11. By way of the order on sentence dated 9th May, 2025 passed by the ASJ, the Applicant has been sentenced to undergo simple imprisonment for a period of 1 year for the offence under Section 354 of IPC and simple imprisonment for a period of 30 days each, for the offences under Sections 323, 506 and 509 of IPC. All the sentences were directed to run concurrently and the benefit of Section 428 of the Code of Criminal Procedure, 1973³ was granted to the Applicant.

12. In addition to the above, the Applicant was also directed to pay

¹ "IPC"

² "ASJ"



compensation of INR 50,000/- to the Complainant and to deposit INR 9,000/- before the Trial Court towards cost of prosecution, in default of which, he was directed to undergo further imprisonment of 45 days.

13. It must be noted that at the stage of sentencing, on an application under Section 389 of Cr.P.C., the Trial Court granted him 30 days' time to pay the compensation and cost as directed by the Court and to prefer appeal/revision against the judgment, subject to furnishing of bail bond in the sum of INR 30,000/- with one surety of the like amount. In this regard, counsel for the Applicant states that the Applicant has availed the liberty granted to him by the Trial Court by preferring the captioned appeal and is currently on bail, however, he seeks a stay on further proceedings before the Trial Court in terms of payment of compensation and costs imposed on the Applicant.

14. The Court has considered the submissions of the Applicant. At the outset it must be noted that the Supreme Court in ***Sudhir Kumar Jain v. State of Delhi***,⁴ observed that Section 389 of the Code of Criminal Procedure, 1973 empowers the Appellate Courts to suspend sentences till the pendency of appeal where period of sentence does not exceed 3 years. For ease of reference, the relevant observations are reproduced as under:

“6. Keeping in view the fact that the appeals are not being disposed of expeditiously by Appellate Courts, Legislature, in its wisdom, has enacted Section 389, Code of Criminal Procedure Sub-section (3) of which empowers the Trial Court to suspend the sentence of such convicts, who have been convicted for a period not exceeding three years, for such period as will afford them sufficient time to present an appeal. Section 389 also empowers the Appellate Court including the High Court to suspend the sentence and release the convict on bail during the pendency of the appeal in case the period of sentence does

³ “Cr.P.C.”

⁴ MANU/SC/8988/2007



not exceed three years.”

15. Considering that the sentence awarded to the Applicant is imprisonment for a period of 1 year and the appeal is unlikely to come up for hearing in the near future, this Court deems it appropriate to suspend the sentence of the Applicant during the pendency of the appeal. However, in the opinion of the Court, the request of the Applicant to stay the further proceedings before the Trial Court for payment of compensation and cost, is not sustainable. As per the order on sentence, the Trial Court had specifically directed the Applicant to make the necessary payments and prefer the appeal/revision before this Court within 30 days' time. Thus, in the opinion of the Court, it is necessary that the Applicant makes these payments before his sentence is suspended. Accordingly, the Applicant shall pay the compensation and costs imposed on him *vide* the order of sentence, if not already paid, within a period of two weeks from today. Proof of payment be furnished before the Trial Court within one week thereafter.

16. In light of the above, the order on sentence shall be suspended and the Applicant shall be released on bail, subject to him furnishing a bail bond in the sum of INR 25,000/- with one surety of the like amount, subject to the satisfaction of the concerned Jail Superintendent/Trial Court/ Duty MM on the following conditions:

(a) The Applicant shall provide his mobile number(s) to the Investigating Officer⁵ concerned, which shall be kept in a working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned during the period of suspension of sentence.

⁵ “IO”



(b) The Applicant shall furnish his permanent address to the IO within two weeks of his release and in case he changes his address, he will inform the IO concerned and this Court;

(c) The Applicant shall appear before the Court as and when the appeal is taken up for hearing;

(d) The Applicant shall not leave the country without the permission of this Court;

(e) The Applicant shall not commit any offence during the period of his release.

(f) The Applicant shall appear before the concerned Investigating Officer on the first Monday of every three months at 2:00 PM to mark his presence. However, he shall not be kept waiting for longer than one hour for this purpose.

17. The present order shall come into effect, subject to payment of fine imposed in the order on sentence dated 09th May, 2025.

18. Accordingly, the CRL.M.A. 20072/2025 is dismissed and CRL.M.(BAIL) 1503/2025 is allowed in the aforementioned terms.

SANJEEV NARULA, J

JULY 15, 2025

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