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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.A. 1032/2025, CRL.M.A. 21197/2025 & CRL.M.(BAIL)
1572/2025

SURESH

.....Appellant

Through: Mr. Avneesh Saran, Adv.

versus

STATE, NCT OF DELHI

.....Respondent

Through: Mr. Ritesh Kumar Bahri, APP.
Inspector Narendra Singh PS
Ghazipur and Inspector Rajeev
Vats.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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24.07.2025

CRL.M.A. 21197/2025

1. Allowed, subject to all just exceptions.
2. Accordingly, the present application is disposed of.

CRL.M.(BAIL) 1572/2025

3. This is an application filed under Section 430 read with Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, (BNSS) seeking suspension of sentence and release of the appellant on bail during the pendency of the instant appeal.
4. Issue notice.
5. Mr. Ritesh Kumar Bahri, APP appears on behalf of the State accepts notice and seeks time to file a status report.



6. Let the status report be filed, before the next date of hearing, with an advance copy to the opposite side.
7. The Nominal Roll of the appellant be also called, from the concerned Jail Superintendent, before the next date of hearing.
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 kith and kin of the deceased, who may either appear in person or through video conferencing or be represented through an Advocate, on the next date of hearing.
9. List on 30.10.2025.

CRL.A. 1032/2025

10. This is an appeal under Section 415(2) read with Section 528 of BNSS assailing the Judgment dated 25.03.2025 and Order on Sentence dated 16.04.2025, passed by learned Additional Sessions Judge (FTC), East District, Karkardooma Courts, Delhi, in Sessions Case No.2650/2019 arising out of FIR No. 96/2019, for offences under Section 302 and 174-A of Indian Penal Code, 1860 (IPC) , registered at Police Station Ghazipur.

11. The learned counsel for the appellant submits that vide the Judgment dated 25.03.2025, the appellant was convicted for offence punishable under Sections 302 and 174-A of the IPC and by the Order on Sentence dated 16.04.2025, he was sentenced to undergo Life Imprisonment and to pay a fine of Rs. 10,000/-, in default whereof, to undergo Simple Imprisonment for a period of 6 months for offence punishable under Section 302 of the IPC. He was further sentenced to



undergo Simple Imprisonment for a period of 1 year and to pay a fine of Rs. 2000/-, in default whereof, to undergo Simple Imprisonment for a period of 15 days for offence punishable under Section 174-A of the IPC.

12. The learned counsel submits that the Trial Court erred in convicting the appellant despite the absence of any corroborative evidence apart from the doubtful and inconsistent testimony of PW-2. Furthermore, he submits that even if the prosecution's case is accepted in its entirety, the ingredients of the offence under Section 302 of the IPC are not made out and, at best, the case would fall within the ambit of Section 304 of the IPC.

13. Admit.

14. The Trial Court Record, in digital form, be requisitioned before the next date of hearing.

15. List on its own turn.

VIVEK CHAUDHARY, J

SHALINDER KAUR, J

JULY 24, 2025/neelam