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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 1109/2025 & CRL.M.(BAIL) 1680/2025**
NAUSHADAppellant

Through: Mr. Aishwarya Rao and Ms.Mansi
Rao, Advocates.

versus

STATE NCT OF DELHI & ANR.Respondents

Through: Mr.Ritesh Kr. Bahri, APP with
Ms.Divya Yadav and Mr.Lalit Luthra,
Adv.
Inspector Rajesh Kr. Verma, PS
Narela.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **08.08.2025**

CRL.M.A. 23145/2025 & CRL.M.A. 23146/2025 (seeking exemption)

1. Allowed, subject to all just exceptions.
2. Accordingly, the present applications are disposed of.

CRL.A. 1109/2025

3. The present appeal has been filed under Section 415(2) read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS") assailing the Judgment dated 06.11.2024 and order on sentence dated 04.07.2025, passed by the learned ASJ-02, North District, Rohini Courts, Delhi ("Trial Court") in Sessions Case no. 330/2017 arising out of FIR No. 128/2017 for the offences punishable under sections 302/365/201/34 of the Indian Penal Code, 1860 ("IPC") registered at Police Station Narela.



4. The learned counsel for the appellant submits that *vide* Judgment dated 06.11.2024 the appellant was convicted for the offences under Sections 302/365/201/34 of the IPC and by order on sentence dated 04.07.2025, he was sentenced to undergo:

- i) For the offence punishable under Section 302 of the IPC, he was sentenced to undergo simple imprisonment for life and to pay a fine of Rs. 10,000/-, in default whereof, to further undergo simple imprisonment for a period 6 months.
- ii) For the offence punishable under Section 201 of the IPC, he was sentenced to undergo simple imprisonment for a period of 5 years and to pay a fine of Rs. 5,000/-, in default whereof, to further undergo simple imprisonment for a period 2 months.
- iii) For the offence punishable under Section 365 of the IPC, he was sentenced to undergo simple imprisonment for a period of 3 years and to pay a fine of Rs. 5,000/-, in default whereof, to further undergo simple imprisonment for a period 3 months.

5. He submits that the appellant was given benefit of Section 428 of the Code of Criminal Procedure, 1973, (“Cr.P.C.”). Further, it was directed that the sentences imposed shall run concurrently.

6. The learned counsel for the appellant submits that the case of the prosecution is based on circumstantial evidence as the sole alleged last seen witness, PW-10, did not support the case of the prosecution. He further submits that the prosecution failed to prove the case beyond reasonable doubt, and there are various gaps and lacunas in the case of the prosecution.

7. Admit.



8. Issue notice.
9. The learned APP accepts notice.
10. List this appeal as per its own turn.

CRL.M.(BAIL) 1680/2025

11. This is an application under Section 430 read with Section 528 of the BNSS, seeking Suspension of Sentence and release of the appellant during the pendency of the present appeal.
12. Issue notice.
13. The learned APP accepts notice and seeks time to file Status Report.
14. Let the Status Report be filed, before the next date of hearing, with an advanced copy to the opposite side.
15. The Nominal Roll of the appellant be also called, from the concerned Jail Superintendent, before the next date of hearing.
16. Let the Trial Court Record, in digital form, be requisitioned before the next date of hearing.
17. List on 15.10.2025.

VIVEK CHAUDHARY, J

SHALINDER KAUR, J

AUGUST 8, 2025/pk/nc/ht