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

+ **CRL.A. 1116/2025**

NAVRATTAN @ KALE

.....Appellant

Through: Mr. Dhruv Bhagat, Adv
(DHCLSC).

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Ritesh Kumar Bahri, APP
for State with Insp. Mukesh
Kumar, PS Narela.
Mr. Lalit Luthra, Adv.

CORAM:

HON'BLE MR. JUSTICE VIVEK CHAUDHARY

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **11.08.2025**

CRL.M.A. 23351/2025, CRL.M.A. 23352/2025

1. Allowed, subject to all just exceptions.
2. Applications stand disposed of.

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3. This is a fresh criminal appeal under Section 415(2) read with section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) assailing the Judgment dated 06.11.2024 and Order on Sentence dated 04.07.2025 passed by learned Additional Sessions Judge-02, North District, Rohini Courts, Delhi in Sessions Case No. 330/2017 arising out of FIR No. 128/2017 for 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* the Judgment dated 06.11.2024, the appellant was convicted for the offences punishable under Sections 302/365/201/34 of the IPC and by the Order on Sentence dated 04.07.2025, he was sentenced as under:

- i. For the offence punishable under Section 302 of the IPC to undergo Simple Imprisonment (SI) for Life and to pay a fine of Rs.10,000/-, in default whereof, to further undergo SI for a period of 6 months.
- ii. For the offence punishable under Section 365 of the IPC to undergo SI for a period of 3 Years and to pay a fine of Rs.5,000, in default whereof, to undergo further SI for a period of 3 Months
- iii. For the offence punishable under Section 201 of the IPC to undergo SI for a period of 5 Years and to pay a fine of Rs.5,000, in default whereof, to undergo further SI for a period of 2 Months.

5. He submits that the conviction, resting solely on circumstantial evidence, is unsustainable as the prosecution has failed to establish a complete chain of circumstances beyond reasonable doubt. Reliance on the “last seen” theory, despite the absence of any credible witness, including PW-10, and the considerable time gap, is misplaced. He further submits that the material contradictions in the testimonies of PW-13 and PW-19 with regard to the timing and their presence at the recovery spot, coupled with PW-1’s omission to mention the presence of the deceased’s family members at the said spot, casts a doubt on the prosecution’s case. Moreover, the recovery of bones after 43 days



from an open and accessible area further weakens the prosecution's case.

6. Admit.
7. Issue notice.
8. The learned APP accepts notice and seeks time to file a reply.
9. Let the reply be filed, within a period of three weeks, with an advance copy to the other side.
10. Let Trial Court Record, in digital form, be requisitioned before the next date of hearing.
11. List along with Crl. A. 1105/2025 on 15.10.2025.

CRL.M.(BAIL) 1691/2025

12. The present application has been filed by the appellant under Section 430 of the BNSS, seeking Suspension of Sentence and release of the appellant on bail till the pendency of the present appeal.
13. Issue notice.
14. The learned APP accepts notice and seeks time to file a status report.
15. Let the status report be filed, within a period of three weeks, with an advance copy to the other side.
16. The Nominal Roll of the appellant be also called, from the concerned Jail Superintendent, before the next date of hearing.
17. List on 15.10.2025.

VIVEK CHAUDHARY, J

SHALINDER KAUR, J

AUGUST 11, 2025/SU/KP