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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.REV.P. 354/2025**
NITIN AGGARWALPetitioner

Through: Mr. Anil Bhasin, Advocate.

versus

STATE OF NCT OF DELHIRespondent
Through: Mr. Hemant Mehla, APP.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

% **ORDER**
24.09.2025

CRL.M.A. 27047/2025 *(seeking exemption from filing certified and typed copies of the annexures)*

1. Exemption is granted, subject to all just exceptions.
2. The Petitioner 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.

CRL.M.(BAIL) 1890/2025 *(seeking suspension of sentence)*

4. Through the present application, the Petitioner seeks suspension of sentence, during the pendency of the above-captioned revision petition.
5. The Petitioner has been convicted in case bearing CNR No. DLWT02-000953-2010, arising from FIR No. 725/2007 registered under



Sections 354/323/341 of the Indian Penal Code, 1860¹, registered at P.S. Paschim Vihar East. The Petitioner was convicted for offences under Sections 323/341 of the IPC *vide* judgement dated 16th August, 2022 passed by the MM, (Mahila Court-05) West District Tis Hazari Courts, Delhi. By order on sentence dated 9th December, 2022, the Petitioner was directed to undergo simple imprisonment for a period of 03 months for the offence under Section 323 IPC, along with a fine of INR 1000/- and default sentence of 15 days; and simple imprisonment for a period of 15 days for the offence under Section 341 IPC, along with a fine of INR 500/- and default sentence of 5 days. Both the sentences were directed to run concurrently. The Petitioner moved an application before the Magistrate under Section 389(3) of the Cr.P.C., seeking suspension of sentence, pursuant to which his sentence was suspended for a period of 30 days.

6. Subsequently, the Petitioner preferred an appeal challenging the judgment of conviction and order on sentence. However, the Appellate Court, *vide* order dated 30th August, 2025, upheld the conviction and sentence. Consequently, the Petitioner was taken into custody on 6th September, 2025. As per the latest nominal roll on record, the Petitioner had undergone 7 days of his sentence as of 12th September, 2025. Consequently, as of today, the Petitioner has been in custody for a total of 19 days.

7. The Supreme Court in ***Sudhir Kumar Jain v. State of Delhi***,² observed that Section 389 of the Cr.P.C. 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

¹ “IPC”

² MANU/SC/8988/2007.



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 not exceed three years.”

8. Furthermore, the Supreme Court, in ***Aasif v. State of U.P.***,³ observed that in cases awarding sentence of a limited duration, when the Court finds that due to practical reasons, such appeals (here, revision petition) cannot be disposed of expeditiously, the Court must show concern in suspension of sentence so as to make the revision right, meaningful and effective.

9. In light of the foregoing, considering that the sentence awarded to the Petitioner is imprisonment for a period of 3 months and the revision is unlikely to come up for hearing in the near future, this Court deems it appropriate to suspend the sentence of the Petitioner during the pendency of the revision petition. However, the Petitioner shall pay the fine imposed in the order of sentence, if not already paid, within a period of one week.

10. Accordingly, the Petitioner shall be released on bail, subject to him furnishing a bail bond in the sum of INR 25,000/- with two sureties of the like amount, subject to the satisfaction of the concerned Jail Superintendent/Trial Court/ Duty MM on the following conditions:

(a) The Petitioner shall, under no circumstance, leave the NCT of Delhi, without permission of the Trial Court, during the period of his release;

³ 2025 SCC OnLine SC 1644.



- (b) The Petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- (c) The Petitioner shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
- (d) The Petitioner shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
- (e) The Petitioner shall not commit any offence during the period of his release.

11. With the above directions, the application is disposed of.

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12. Renotify on 28th January, 2026.

SANJEEV NARULA, J

SEPTEMBER 24, 2025

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