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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 1302/2025 & CRL.M.(BAIL) 1950/2025**

SALEEM @ JAKIR @ KANAAppellant
Through: Mr.Prashant Mehta, Mr.Charanpreet
Singh and Mr.Pranav Singh, Advs.
versus

STATE THROUGH NCT OF DELHIRespondent
Through: Mr.Nawal Kishore Jha, APP for State.
Inspector Rajesh, SHO Kashmere
Gate Metro, Inspector Nagender.

CORAM:
HON'BLE MR. JUSTICE VIVEK CHAUDHARY
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
% **18.09.2025**

CRL.M.A. 27994/2025 & CRL.M.A. 27995/2025 (*Seeking exemption*)

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

CRL.M.A. 27993/2025 (*Condonation of delay*)

3. This is an application filed by the Appellant under Section 5 of the Limitation Act, 1963, seeking condonation of delay of 07 days in filing the present appeal.
4. The learned counsel for the respondent submits that he has no objection, if the delay is condoned.
5. In view of the contentions raised in the application and for the reasons stated therein, the present application is allowed and the delay in filing the appeal is condoned.



6. Accordingly, the present application stands disposed of.

CRL.A. 1302/2025

7. The present appeal has been filed under Section 415(2) read with Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* assailing the Judgment of Conviction dated 31.05.2025 and Order on Sentence dated 09.06.2025, passed by the learned Additional Sessions Judge-04, West District, Tis Hazari Courts, Delhi (“Trial Court”) in Sessions Case No. 542/2017 arising out of FIR No. 222/2017 filed under Sections 302/324/174-A/34 of the Indian Penal Code, 1860, (“IPC”) & Section 25 of the Arms Act, 1959, registered at Police Station, Nangloi.

8. Learned counsel for the appellant submits that *vide* Judgment dated 31.05.2025, the appellant was convicted for offences punishable under Section 302/324/174-A/34 of the IPC and by the Order on Sentence dated 09.06.2025, he was sentenced to undergo the following punishments:-

- i. *Rigorous imprisonment for life for the offences punishable under Sections 302/34 of the IPC with fine of Rs. 5,00,000/-. In case of default of payment of fine, the convict shall further undergo rigorous imprisonment for the period of one year.*
- ii. *Rigorous imprisonment for the offence punishable under Section 324 of the IPC with fine of Rs. 10,000/-. In case of default of payment of fine, the convict shall further undergo rigorous imprisonment for the period of three months.*
- iii. *Rigorous imprisonment for the offence punishable under Section 174-A of the IPC with fine of Rs. 10,000/-. In case of default of payment of fine, the convict shall further undergo rigorous imprisonment for the period of three months.*



9. Learned counsel for the appellant submits that the learned Trial Court failed to appreciate that the entire prosecution case rests solely on the doubtful and contradictory testimony of PW-6, whose version suffers from material inconsistencies. Additionally, the medical and forensic evidence, including MLC, post-mortem report, and unproven chain of custody, casts doubt on prosecution story. Moreover, the investigation itself was highly defective as no independent witnesses were examined, the FIR appears ante-dated, and nothing incriminating was recovered from the appellant, thereby rendering the prosecution case wholly unreliable. In these circumstances, he submits, conviction of the appellant is unsustainable in law.

10. Admit.

11. Learned counsel for the respondent accepts admission of appeal.

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

13. List in due course.

CRL.M.(BAIL) 1950/2025 (*seeking suspension of sentence and release on bail*)

14. The present application has been filed under Section 430 read with Section 528 of the *Bharatiya Nagarik Suraksha Sanhita, 2023* seeking suspension of sentence and release of the appellant on bail during the pendency of the present appeal.

15. Issue notice.

16. Learned APP for State accepts notice and seeks time to file reply.

17. Let reply be filed, before the next date of hearing, with advance copy to the opposite side.

18. In the meanwhile, in view of the directions passed by the Supreme



Court in the case of “***Kaushal Singh vs. The State of Rajasthan***” 2025 SCC OnLine SC 1473, decided on 18.07.2025, let an affidavit be placed on record by the learned counsel for the appellant, thereby stating about the past involvement of the appellant in criminal case(s), if any, registered against him, containing all the particulars of the said case(s).

19. List the matter on 15.10.2025.

VIVEK CHAUDHARY, J

MANOJ JAIN, J

SEPTEMBER 18, 2025/pk/tr