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

+ **CRL.A. 1384/2025**

ASHISH

.....Appellant

Through: **Ms. Jahanvi Worah, Advocate**

versus

STATE GNCT OF DELHI & ANR.

.....Respondent

Through: **Mr. Utkarsh, APP for State with W/SI
Varsha Maan**

**Ms. Sowjhanya Shankaran, Advocate
(Amicus Curiae) with Ms. Charu
Sinha, Ms. Anuka Bhachawat and Mr.
Akash Sachan, Advocates for
Prosecutrix**

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

ORDER

% 08.05.2026

CRL.M.(BAIL) 2019/2025

1. This is an application under Section 430 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (the BNSS), seeking suspension
of the sentence of the sole accused in Sessions Case no. 1081/2022
on the file of Additional Sessions Judge (Special Fast Track



Court), East District, Karkardooma Courts, New Delhi. *Vide* the judgement dated 05.08.2025, the accused has been convicted for the offences punishable under Sections 376, 323, 506 and 509 of the Indian Penal Code, 1860 (the IPC). *Vide* order on sentence dated 20.08.2025, he has been sentenced to varying terms of imprisonment for the aforesaid offences. The sentences have been directed to run concurrently. Therefore, the maximum sentence he will have to undergo is for a period of 15 years.

2. The learned counsel for the appellant submits that out of the sentence of 15 years, the appellant/accused has served more than 03 years. It is submitted that the parties were in a consensual relationship and that the parents of the victim did not approve the relationship and hence, the reason why the appellant/accused has been falsely implicated.

3. The application is opposed by the learned Additional Public Prosecutor for the State, who submits that Ext. P1-9 video clip showing the physical relationship between the parties and Ext.



PW1/DX threatening messages sent by the appellant/accused to the victim, have been seized by the police. He submits that there is more than sufficient material on record to prove the prosecution case and, therefore, this is not a case in which the sentence is liable to be suspended.

4. Heard both sides.

5. On going through the materials on record, including Ext. PW1/DX messages and Ext. PW1/G photographs, this is not a case in which the sentence is liable to be suspended. It appears that not only was there physical relationship between the parties but the appellant/accused *prima facie* seems to also have voluntarily caused hurt to the victim.

6. It is well settled that while considering an application for suspension of sentence, the appellate court is only to examine if there is such patent infirmity in the order of conviction that renders it *prima facie* erroneous. Where there is evidence that has been considered by the trial court and conclusions arrived at, the



appellate court, while exercising its power for suspension of sentence, cannot re-assess or re-analyze the same evidence and take a different view, to suspend the execution of the sentence and release the convict on bail. (**See Preet Pal Singh vs State of U.P., (2020) 8 SCC 645**).

7. Hence, in view of the above, the application seeking suspension of sentence is dismissed.

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List the matter for final hearing on 03.12.2026.

CHANDRASEKHARAN SUDHA, J

MAY 8, 2026
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