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

+ **CRL.A. 1697/2025**

RAJESH KUMAR PANDEY

.....Appellant

Through: Ms. Jahanvi Worah, Advocate.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Utkarsh, APP for the State with
SI Nitesh Mahiya, PS Sagarpur.

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

ORDER

% **29.05.2026**

CRL.M.(BAIL) 2489/2025

1. This is an application under Section 430 read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (the BNSS), seeking suspension of sentence filed by the sole accused in Sessions Case no. 9643/2016 on the file of Additional Sessions Judge (POCSO)-02, New Delhi District, Patiala House Court, Delhi. *Vide* the judgement dated 31.10.2025, the appellant/accused has been convicted for the offences punishable under Section 376(2)(i) IPC as well as Section 6 of the PoCSO Act.



Vide order on sentence dated 12.11.2025, he has been convicted to rigorous imprisonment for 14 years. It is submitted by the learned counsel for the appellant/accused that out of the total period of imprisonment, he has already served a period of 8 years and 7 months.

2. The application is opposed by the learned Additional Public Prosecutor for the respondent/ State.

3. Heard both sides.

4. The appellant/ accused has been found guilty for the offence punishable under Section 6 PoCSO Act for having sexually assaulted a minor who was just 7 years old. The appellant at the time of the incident was 40 years old. Taking into account the facts and circumstances of the case, this is not a fit case in which the sentence is liable to be suspended.

5. Hence, the application seeking suspension of sentence is dismissed.

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6. As the appellant/ accused has served more than 8 years out of 14 years of imprisonment, the hearing of the appeal can be expedited.

7. Hence, list for hearing on 22.07.2026.

CHANDRASEKHARAN SUDHA, J

MAY 29, 2026
kd