



2026:DHC:8170



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

Date of decision: 22nd September, 2026

IN THE MATTER OF:

CNR No. DLHC011436192012

+ **CRL.A. 1052/2012**

SHIV KUMAR & ORS

.....Appellants

Through: **Mr. Gulshan Kumar Sharma, Adv.**
with Appellants in person.

versus

STATE

.....Respondent

Through: **Mr. Satinder Singh Bawa, APP for**
State with SI Rajender Singh, PS
Nangloi.
Complainant Smt. Radha in person.

CORAM:

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT (ORAL)

VIMAL KUMAR YADAV, J.

1. Complainant/victim Smt. Radha is present, who was noticed to appear pursuant to the oral request made by learned counsel the Appellants to the effect that the Appellants do not want to challenge the judgment of conviction, as they only wanted that they should be given the same benefit as was given to two other convicts, namely, Bishal Lal and Smt. Resham Devi (Accused No. 7 and Accused No. 6 respectively, as reflected in chargesheet) i.e. parents of Appellants.

2. Ms. Anu Narula, Advocate, present in the Court has been appointed as



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Amicus Curiae to assist the complainant Smt. Radha, who has been otherwise identified by the holding IO SI Rajender Singh. She has, however, herself volunteered that she does not want any action against the present Appellants and not averse to the proposition floated by the learned counsel for the Appellants.

3. It has also transpired during the proceedings that neither the Appellant Shiv Kumar has married, nor for that matter, the complainant Smt. Radha has. The circumstances has rekindled the hope of their coming together once again, on which they both can work upon with the assistance of learned Amicus Curiae and learned counsel for the Appellants, as it has been brought to the notice that both of them went together to have lunch/snacks leaving others behind, as a request was made by Appellant Shiv Kumar in this respect. The complainant Radha has, apart from orally stating, filed her affidavit also.

4. As regards, the primary contention on behalf of the Appellants that the benefit of probation may be extended to the present Appellants also, to which the complainant Smt. Radha has no objection, rather she is keen that the proceedings should be wound up in such a manner that there is no need for them to come back to the Court again.

5. Given the facts of the case, especially that the complainant has, in a way, reconciled her grievance and did not object to the modification in sentence rather supported it, coupled with the fact that a considerable time has gone in between and sending the Appellants to jail in these circumstances is not going to serve any purpose, therefore, the plea of the Appellants is acceptable. None concerned is averse to the proposition, rather see a bright ray of hope where the family i.e. Shiv Kumar, Radha and their daughter can come together and live a good family life hitherto at least.



6. In view of these facts and circumstances, while maintaining the judgment of conviction dated 06.06.2012, the sentence stands modified to the extent that the Appellants are extended the benefit of probation and are released on furnishing a bond of good conduct for a period of two years. The Appellants are further called upon to deposit a sum of Rs. 10,000/- each as cost of proceedings, which shall be realized as fine in case they fail to deposit the same, and in case it is deposited, the same shall go to the complainant Smt. Radha as compensation. The fine, if any, already paid by the Appellants, shall be, accordingly, adjusted. Bonds to be furnished before the learned Trial Court at the earliest and in any case within two weeks.

7. Appeal stands disposed of accordingly, together with pending application(s), if any.

8. Copy be given *dasti* to the Appellants under the signatures of Court Master and be transmitted to learned Trial Court and Prison Authorities for information and compliance.

VIMAL KUMAR YADAV, J

SEPTEMBER 22, 2026/akc