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

+ **CRL.A. 1048/2025**

ISTEKAR ALI @ SANU

.....Appellant

Through: Mr Akshai Malik & Mr Khawar
Saleem, Advocates (DHCLSC)

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Aashneet Singh, APP for the
State

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

ORDER

% **09.09.2025**

CRL.M.(BAIL) 1589/2025

1. This application under Section 430 read with Section 528 of B.N.S.S., 2023 has been filed on behalf of the Appellant seeking suspension of sentence and release of the Appellant on bail during the pendency of the appeal.
2. The present appeal under Section 415(2) read with Section 528 of B.N.S.S., 2023 has been filed on behalf of the Appellant against the Judgment on conviction dated 28.04.2025 and the Order on Sentence dated 03.05.2025, passed by the Ld. ASJ-04, New Delhi District, Patiala House Courts, Delhi, in SC No.324/2021. By the Judgment dated 28.04.2025, the Appellant has been convicted for offence punishable under Section 302 of the IPC in FIR No.391/2021, registered at Police Station Vasant Kunj South.

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By the Order on Sentence dated 03.05.2025, the Appellant has been sentenced to undergo imprisonment for life for the offence committed under Section 302 of IPC along with a fine of Rs.15,000/- and in case of default in payment of fine, the Appellant has been further directed to undergo rigorous imprisonment for a period of six months.

3. Shorn of unnecessary details, the case of the prosecution is that a call was received on 16.07.2021 regarding a dead body found under Rajokri flyover going towards Gurgaon. It is stated that the same was recorded *vide* DD No.93A at Police Station Vasant Kunj. The police officials reached the spot and found that a blood stained dead body of a male aged 45-50 years was lying on the spot. It is stated that there were injury marks on the body. It is stated that since the body could not be identified, the same was sent to Mortuary. During investigation in the nearby area, the police met one Shikanji Rehdi Vendor, Mohd. Isha (PW-1), who identified the body to be that of a beggar. On further investigation, he informed the police officials that the Appellant herein, who is also a beggar, was seen quarrelling with the deceased on 15.07.2021. It is stated that the *Danda*, which was used by the Appellant herein to hit the deceased, was recovered at the instance of PW-1 on the very next day. The Appellant was arrested and after completion of investigation, charge-sheet was filed. The Appellant was convicted for offence punishable under Section 302 of the IPC and was sentenced to undergo imprisonment for life *vide* Judgment on conviction dated 03.05.2025 and Order on Sentence dated 03.05.2025.

4. It is stated that the Petitioner has undergone about four years and two months of incarceration.

5. The case of the prosecution is based on circumstantial evidence. The



only witness, i.e. PW-1, who found the Appellant herein quarrelling with the deceased a day before the incident is a *Shikanji Rehdi* Vendor. Considering the facts of the case and the material before us, the period spent in incarceration and in view of the fact that there is no possibility of the present Appeal being heard in the near future, this Court is inclined to suspend the sentence of the Appellant during the pendency of the present Appeal, subject to the Appellant furnishing a personal bond in the sum of Rs.5,000/- with one surety of the like amount to the satisfaction of the concerned Trial Court/Jail Superintendant.

6. The application is disposed of.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

SEPTEMBER 09, 2025

Rahul