



2026:DHC:2434



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

% **Order on sentence reserved on: 19.03.2026**
Order on sentence pronounced on: 25.03.2026

+ **CRL.A. 1078/2018**

STATE (NCT OF DELHI)

.....Appellant

Through: Mr. Utkarsh, APP for State

Versus

SWEETY

.....Respondent

Through: Mr. Deepak Jakhar, Advocate
alongwith respondent in person.

CORAM:

HON'BLE MS. JUSTICE CHANDRASEKHARAN SUDHA

ORDER ON SENTENCE

CHANDRASEKHARAN SUDHA, J.

1. Heard the respondent/convict on the question of sentence under Section 235(2) of the Code of Criminal Procedure, 1973 (Cr.P.C.).

2. Initially the learned counsel for the respondent/convict started arguing on the merits of this appeal including the principles governing the scope of interference by the High Court in an appeal filed by the State challenging the acquittal recorded by the trial court. Reference was also made to the dictum in **Babu**

CRL.A. 1078/2018

Page 1 of 10

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2026:DHC:2434



Sahebagouda Rudragoudar & Ors. v. State of Karnataka, 2024

INSC 320 in support of the same. This Court reminded the learned counsel several times that the said aspects had already been considered and requested him to confine his arguments to the question of sentence. It was only after repeated reminders, the learned counsel made the following submissions regarding the sentence to be imposed.

3. It was submitted by the learned counsel for the respondent/convict that the latter had faced trial for quite a long period and was in custody for about nine months in the case. He further submitted that the respondent/convict has a child aged about 05 years and that there is no one at home to look after the child as her brother (the CCL in this case) is also presently in jail. Therefore, it was prayed that a lenient view be taken while awarding the sentence.

4. *Per Contra*, it was submitted by the learned Additional Public Prosecutor that the offences under which the convict has



2026:DHC:2434



been found guilty are grave and heinous in nature, particularly the offence under Section 109 IPC read with 376 IPC. The offence was committed on 31.08.2013. The provisions of Section 376 IPC were amended by the Criminal Law (Amendment) Act, 2013, which came into force on 03.02.2013. Since the present offence was committed after the enforcement of the said amendment, the amended provisions of Section 376 IPC apply to the case on hand. It was also brought to the notice of this Court that the respondent/convict is also involved in other criminal cases. Notably, in FIR No. 279/2013, registered at Najafgarh police station, she is alleged to have committed offences punishable under Sections 376, 323, 506 and 120-B IPC. Further, in FIR No. 217/2025, registered under Sections 313(3), 318, 351 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS) at Najafgarh police station, the convict is presently shown as a “wanted” accused. Additionally, in FIR No. 57/2026, registered under Sections 103(1), 61 and 3(5) BNS at Jhajjar police station, the convict is



2026:DHC:2434



stated to be in judicial custody. These factors constitute aggravating circumstances and warrant the imposition of stringent punishment.

4.1. While placing reliance on the dictums in **State of M.P. v. Vikram Das, (2019) 4 SCC 125, Central Bureau of Investigation vs. Md. Yaseen Wani & Ors. 2025:DHC:1293** and **Parameshwari v. State of T.N., 2026 SCC OnLine SC 209**, it was also submitted that where a statute prescribes a minimum sentence, courts cannot impose a lesser sentence under any circumstance.

5. This Court has considered the submissions made on behalf of both sides and has carefully examined the nature and gravity of the offences, the manner in which they were committed, and the overall facts and circumstances of the case.

6. The offence in the present case was committed on 31.08.2013. Under Section 376 IPC as it stood then, the



2026:DHC:2434



punishment prescribed is rigorous imprisonment for a term not less than 7 years, which may extend to life and shall also be liable to fine. Under Section 366 IPC, the offence is punishable with imprisonment of either description for a term which may extend to ten years along with fine; under Section 506 (Part II) IPC, the offence is punishable with imprisonment which may extend to seven years, or with fine, or with both and under Section 323 IPC, the offence is punishable with imprisonment which may extend to one year, or with fine which may extend to ₹1000, or with both.

7. In **Vikram Das** (*supra*), the trial court convicted the respondent for offence under Section 3(1)(xi) of the SC and ST Act and sentenced him to undergo rigorous imprisonment for six months with fine of ₹500. The High Court reduced the sentence of the respondent to the sentence already undergone of eleven days, but enhancing the fine from ₹500 to ₹3000. The Apex Court, reversing the judgment of High Court, held that where a minimum sentence is provided for, the court cannot impose less than the



2026:DHC:2434



minimum sentence. Even the provisions under Article 142 of the Constitution cannot be resorted to impose a sentence less than the minimum sentence. The principle that minimum sentencing provisions must be strictly followed and even mitigating factors such as long trial, age, or guilty plea cannot override the statutory mandate, was reiterated in **Yaseen Wani** (*supra*).

8. In **Parameshwari** (*supra*), the respondents were tried and convicted by the trial court for offences under Sections 307, 326 and 324 IPC and were sentenced to rigorous imprisonment for three years along with fine. The conviction and sentence were affirmed by the appellate court. However, in revision, the High Court upheld the conviction, but reduced the sentence to the period already undergone (about two months) and enhanced the fine to ₹1,00,000/-. Aggrieved, the appellant approached the Supreme Court. The Apex Court set aside the High Court's order and restored the sentence awarded by the Trial Court, holding that the High Court had shown undue sympathy and reduced the sentence



2026:DHC:2434



without cogent reasons. It was held that sentencing must be proportionate to the gravity of the offence, and that mere lapse of time, subsequent events, or offer of compensation cannot justify reduction of the substantive sentence in serious offences.

Compensation payable to the victim is only restitutory in nature, and it cannot be considered as equivalent to or a substitute for punishment. Punishment is punitive in nature, and its object is to create an adequate deterrence against the said crime and to send a social message to the miscreants that any violation of the moral turpitude of society would come with consequences, which cannot merely be “purchased by money”.

9. The respondent/convict played an active and deliberate role in luring PW3, facilitated the commission of rape, remained present during the act, and subsequently also threatened her. Even after the commission of the present offence, the conduct of the respondent/convict has not shown any reformation. On the contrary, as brought on record, she has been subsequently involved



2026:DHC:2434



in multiple criminal cases, including in Section 302 IPC and is presently in judicial custody. This indicates a continuing pattern of criminal behaviour rather than an isolated incident. The subsequent involvement of the convict in grave offences demonstrates that the respondent/convict has not stopped engaging in criminal activities. In light of the principles laid down in **Parameshwari** (*supra*), the Court is required to consider not only the individual circumstances of the convict but also the impact on society and the need to maintain public trust in law and administration. A lenient approach in the case on hand, where the convict continues to be involved in serious criminal activities, would be wholly misplaced and contrary to settled sentencing principles.

10. Keeping in view the aforesaid discussion, the respondent/convict shall undergo the following sentence:

Under Section 109 IPC read with Section	Rigorous Imprisonment for a period of	Fine of ₹50,000/-	In default of payment of fine, the accused shall
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2026:DHC:2434



376 IPC	10 years.		undergo further Simple Imprisonment for 6 months.
Under Section 366 IPC	Rigorous Imprisonment for a period of 5 (five) years	Fine of ₹20,000/-	In default, Simple Imprisonment for 3 months
Under Section 506 Part II IPC	Rigorous Imprisonment for a period of 1 (one) year		
Under Section 323 IPC	Simple Imprisonment for a period of 3 (three) months		

11. All the sentences shall run concurrently. The period already undergone by the respondent/convict during investigation/trial shall be set off under Section 428 Cr.P.C.



2026:DHC:2434



12. The victim has suffered significant emotional, mental and physical trauma while fighting for justice for more than a decade. The respondent/convict also betrayed the trust placed in her by PW3. In view of the harm caused, this Court deems it appropriate to award compensation to the victim to provide some support for the suffering endured. Out of the fine amount, if realised, a sum of ₹50,000/- shall be paid to the victim as compensation under Section 357(1) Cr.P.C. Since I find the said amount to be quite inadequate, under Section 357A(3) Cr.P.C., I recommend to the Delhi State Legal Services Authority to award appropriate compensation to PW3, the victim after making enquiry as contemplated under Section 357A(5) Cr.P.C.

**CHANDRASEKHARAN SUDHA
(JUDGE)**

MARCH 25, 2026

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CRL.A. 1078/2018

Page 10 of 10

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