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

Date of order: 10.09.2026

CNR No. DLHC011535302010

+ **CRL.A. 584/2011**

STATE

.....Appellant

Through: Mr. Aman Usman, APP for the
State with Mr. Manvendra
Yadav, Advocate with SI
Amandeep, PS-Najafgarh.

versus

MUNNA KUMAR

.....Respondent

Through: Mr. Sachin Yadav, Mr. Kumod
Yadav and Mr. Sameer Ahmad,
Advocates.
Respondent in custody.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE RAVINDER DUDEJA

RAVINDER DUDEJA, J. (ORAL)

1. *Vide* our judgment dated 02nd September, 2026, the present appeal was allowed and the impugned judgment dated 29th April, 2010, passed by the learned Trial Court, has been set aside and respondent Munna has been convicted for the offence punishable under Section 376(2)(f) of the Indian Penal Code 1860 [**“IPC”**].
2. We have heard the learned counsel for the respondent/convict and the learned Additional PP on the point of quantum of sentence.
3. The learned counsel for the respondent/convict submits that the convict was merely 21 years of age at the time of commission of the



offence and has already undergone more than one year and eight months in custody when he was sentenced by the learned Trial Court under Section 354 IPC. It is further submitted that the convict, who is presently about 39 years of age, is a daily-wage labourer and the sole bread-earner of his family, with a wife and three children as well as dependent parents, and his continued incarceration at this stage would adversely affect his family and life. On these grounds, the learned counsel prays that a lesser sentence be imposed upon the convict on humanitarian considerations.

4. The learned counsel further submits that the incident pertains to the year 2008 and that, with the passage of considerable time, both the survivor and the convict have since settled in their respective lives. It is also submitted that the respondent/convict is a first-time offender and has no previous criminal antecedents, and therefore deserves the benefit of a lenient view in the matter of sentence.

5. *Per contra*, the learned APP for the State submits that Section 376(2)(f) IPC provides for punishment upto life, and the survivor at the time of offence was just four and a half year old child, and the incident scarred and traumatised her. Furthermore, the convict was more like a guardian to the child survivor and the crime committed upon her by him whom she used to call “bhai” has betrayed the trust in him. The learned APP further submits that the convict does not deserve any leniency, particularly as he was declared a proclaimed offender during the pendency of the present appeal and was subsequently apprehended pursuant to the execution of non-bailable warrants. Accordingly, it is urged that, considering the tender age of



the survivor, the breach of trust, the gravity of the offence, and the subsequent conduct of the convict, the maximum sentence of life imprisonment be imposed upon him.

6. Section 376(2)(f) IPC, as applicable at the relevant time in the year 2008, that is, prior to the amendment of 2013, prescribed a sentence of rigorous imprisonment for a term which shall not be less than 10 years but which may be for life and shall also be liable to fine. However, the sentence imposed must be proportionate to the gravity of the offence and necessary to meet the ends of justice. While determining the appropriate sentence, the Court is required to consider not only the statutory prescription but also the gravity and circumstances of the case.

7. In the present case, the age of the survivor is a particularly significant circumstance, as she was merely about four and a half years old when the offence was committed. The vulnerability and tender age of the child, coupled with the nature of the offence, make the offence exceptionally grave and calls for a sentence commensurate with its seriousness.

8. As per the Nominal Roll dated 08th September, 2026, the respondent has already remained in custody for about one year and eight months during the investigation and trial of the case. The Nominal Roll does not disclose any previous criminal antecedents of the respondent. At the same time, the absence of previous criminal antecedents, though a relevant mitigating circumstance, cannot by itself outweigh the aggravating circumstances of the present case, particularly the tender age of the survivor and the serious nature of the



offence committed by the convict. The sentence must serve the ends of justice and also have due regard to the protection of children from such grave offences.

9. Having regard to the totality of the facts and circumstances, including the age of the survivor, the nature and gravity of the offence, the statutory framework applicable at the relevant time, and the trauma inflicted on the child, the respondent/convict is sentenced to undergo **Rigorous Imprisonment for a period of ten (10) years**, with fine of Rs. 5,000/-, in default of payment of fine, the convict shall undergo **Simple Imprisonment for a period of 6 months**.

10. The convict shall get the benefit of Section 428 of Code of Criminal Procedure, 1973 [“Cr.P.C.”] for the period already undergone by him in custody during investigation/trial.

Compensation:

11. Under Section 396 BNSS (Section 357 in Cr.P.C.), it is the duty of the Court to ensure that the survivor receives adequate compensation for the physical and mental trauma caused to her and for her rehabilitation. As per the Compensation Scheme for Women Victims/Survivors of Sexual Assault/Other Crimes, 2018, the maximum amount of compensation to be granted to the victim of rape is Rs. 07 lakhs. However, in case the victim is less than 18 years, then the compensation may be increased by 50% more than the specified amount.

12. Even though, the emotional harm cannot be quantified in terms of money, however, having considered the gravity of the offence, the



age of the victim and the severity of emotional harm suffered by her, the child victim “N” is granted compensation of Rs. 10.50 lakhs (Rs. 07 lakhs + 50% of Rs. 07 lakhs) for the offence of aggravated penetrative sexual assault/rape committed upon her under Section 376(2)(f) IPC. The amount, if any already disbursed, be set off from the final compensation amount.

13. Let, a copy of this order be sent to the Member, Secretary, DSLSA for information and necessary compliance.

14. Copy of the judgment dated 2nd September, 2026 along with the copy of this order be supplied to the respondent/convict, victim and the learned APP free of cost.

15. The Deputy Registrar is directed to prepare the custody warrant and commit the convict to prison to serve the remaining sentence.

16. The Appeal accordingly stands disposed of.

RAVINDER DUDEJA, J

NAVIN CHAWLA, J

SEPTEMBER 10, 2026/na