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

CNR No. DLHC010405182026

+ **CRL.A. 849/2026**

SUMIT SHAKYA

.....Appellant

Through: Mr. Vinayak Bhandari and Mr. Ishaan Phukan, Advs.

versus

STATE OF NCT OF DELHI & ANR.

.....Respondent

Through: Mr. Ritesh Kumar Bahri, APP with Ms. Divya Yadav, Advs.
SI Budh Vihar, PS Budh Vihar.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE DINESH BHATT

ORDER

% **22.09.2026**

1. This hearing has been done through hybrid mode.

CRL.M.A. 26629/2026 (for exemption)

2. Allowed, subject to all just exceptions. Accordingly, the application is disposed of.

CRL.A. 849/2026

3. The present appeal has been filed by the Appellant under Section 415 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter 'BNSS') challenging the impugned judgment dated 20th May, 2026 and the order on sentence dated 11th July, 2026 passed by the Id. Additional Sessions Judge-01 (POCSO), North-West, Rohini, District, Delhi in **Sessions Case No. 772/2023** arising out of **FIR No. 350/2023** registered at P.S. Budh Vihar.



4. Vide the impugned judgement, the Appellant has been convicted in the following terms:

“152. After a thorough and careful evaluation of the entire evidence on record, this court finds that the prosecution has proved beyond all reasonable doubt that the accused Sumit Shakya, committed all the offences of which he faced the trial and convicted for the offences as mentioned below;

(i) Offence of Aggravated Penetrative Sexual Assault upon the victim who was below 12 years of age, repeatedly, punishable under section 6 read with section 5(l) and (m) of the POCSO Act and in addition; under section 376 AB/376(2)(n)IPC and

(ii) Offence of Criminal Intimidation, punishable under section 506 IPC, para two.”

5. Vide the impugned order on sentence dated 11th July, 2026, the Appellant has been sentenced in the following terms:

“32. After considering all the aggravated and mitigating circumstances, all the attending circumstances like nature of crime, and the plea of the child victim, the Court sentence the convict as follows :
i. For the offense of Aggravated Penetrative Sexual Assault punishable under Section 6 r/w 5 (1) (m) of

POCSO Act :

Rigorous imprisonment for life, which shall mean imprisonment for the remainder of natural life of the convict and fine of Rs. 1,00,000/-. In default of payment of fine, the convict shall undergo simple imprisonment of 01 years. ii. For offense of Criminal Intimidation punishable under Section 506 EPC. para (II): Rigorous Imprisonment for 05 years and fine of Rs. 20,000/-. In default of payment of fine, the convict shall undergo



simple imprisonment of 03 months.

33. For the sake of convenience as well as clarity the same is also mentioned as below in a tabulated form:

S. No.	Offence	Substantive Sentence	Fine	Sentence in default of payment of fine
1.	Offence of Aggravated Penetrative Sexual Assault, punishable u/s 6, POCSO Act	Rigorous imprisonment for life, which shall mean imprisonment for the remainder of natural life of the convict	Rs. 1,00,000/- (Rupees Fifty Thousand Only)	SI for one year
2.	Section 506, para (II) IPC,	05 years (Five years) rigorous imprisonment	Rs. 20,000/- (Rupees Twenty Thousand Only)	SI for 03 months

34. All the sentences shall run concurrently. The entire fine amount, if recovered, shall be paid to the child victim as compensation.”

6. Admit.

7. Issue Notice. Mr. Ritesh Kumar Bahri, Id. APP accepts notice on behalf of the State.

8. Let notice be served upon prosecutrix, through the Investigating Officer.

9. A perusal of the impugned order on sentence reveals that the Trial Court has awarded compensation, after considering the unfortunate humiliation, which the child and her family were subject to and has directed



proper rehabilitation to be also provided, in the following terms:

“41. Considering all the factors as enumerated above, as per Rule 9 of The Protection of Children from Sexual Offences Rules, 2020 and the observations made in the case titled as X v. State of NCT of Delhi (acting through its Secretary) (supra) as well as after evaluating the nature of the crime, the depth of suffering, and the lifelong impact on the victim child, this Court in an attempt to heal and restore the victim child holds that the victim child is entitled to the maximum compensation permissible under law. Thus, this Court awards a total final compensation to the child victim to the tune of Rs. 10,50,000/- (Rupees Ten One Lakh Fifty thousand Only) under provision of 33(8) of POCSO Act and the same shall be released to the victim as per rules.”

10. Issue notice to the Secretary, District Legal Services Authority (hereinafter, ‘DLSA’), North-West, Delhi, to file a status report, in respect of the compensation awarded to the family of the victim.

11. Further, the Id. Trial Court Judge Ms. Rajani Ranga, Additional Sessions Judge-01 (POCSO), North-West, Rohini, District, Delhi, who has authored the impugned order on sentence, has written a post-script to the survivor, which reads as under:

“Before parting, this Court must address the child victim - not in the formal language of a judgment but as a judge who has heard her voice, who has read her words, and who has been moved by her courage.

Dear Child,

“ Beta, this Court heard you. When you said Jab tak uncle buddhe na ho jaaye, tab tak unhe jail mein hi Rakha jaaye, this Court listened. And this Court has answered your plea.



Today, this Court has ordered that the man you called 'uncle' will never walk free again. He will live in a cage for the rest of his life. He will grow old in that cage. He will die in that cage. He will never be able to hurt you, or your little sister, or any other child, ever again.

You are the bravest little girl this Court has ever seen. You came to Court, you pointed at the man who hurt you, and you told the truth. The man you called 'uncle' did a very bad thing to you. But you did not stay quiet. You told your mother. And because you had the courage to speak, he will never be able to hurt another child again.

This Court cannot give you back your childhood. But Court can promise you that your words have been heard. Your plea has been granted. The man who hurt you will never see the sun as a free man again.

Now, beta, live your life. Go to school. Make friends. Laugh. Play. Dream. This Court will always remember your courage.”

12. The incident in this case dates back to 23rd July, 2023, when the survivor is stated to have been 7 years of age, and the survivor must now be 10 years of age. The Trial Court's message for her is a message of encouragement.
13. Let the Secretary, DLSA print this message which is extracted above and handover the same to the survivor or her family members, along with the compensation within a period of two weeks from this order.
14. The latest Nominal Roll, along with any other relevant material in respect of the Appellant shall be placed on record by the concerned Jail



Superintendent by the next date of hearing.

15. In addition, let an affidavit of past criminal antecedents be filed by the Appellant in terms of the directions passed in ***Practice Direction No. 178/Rules/DHC*** dated 18th March, 2026 issued by this Court, pursuant to the decision of the Supreme Court in ***Zeba Khan Vs. State of U.P & Others, Criminal Appeal No. 825/2026***. In the event that the Appellant is in custody and is unable to file the aforesaid affidavit, the next of kin/authorised representative of the Appellants shall file the same, in terms of ***Practice Direction No. 183/Rules/DHC*** dated 26th May, 2026.

16. The Registry is directed to requisition the TCR and prepare the appeal paperbook with proper indexing, pagination and bookmarks expeditiously and provide digitized copies thereof to Id. Counsels appearing on behalf of the parties, upon request. Let the TCR be tagged along with this appeal by the next date of hearing.

17. Let the physical TCR be requisitioned to the Court on the next date of hearing by the Registry.

18. List on 4th November, 2026 for consideration of the status report by the DLSA.

19. List on 20th January, 2027.

CRL.M.(BAIL) 1648/2026 (for suspension of sentence)

20. The present application has been filed by the Appellant under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking suspension of sentence and release of the Appellant on bail during the pendency of the instant appeal.

21. Considering the evidence in this matter, including the forensic evidence, at this stage, the Court is not inclined to suspend the sentence.



22. Copy of the order be communicated to the concerned Jail Superintendent, for necessary information and compliance.
23. Copy of the order be communicated to DLSA, North-West, Delhi for necessary information and compliance.

PRATHIBA M. SINGH, J

DINESH BHATT, J

SEPTEMBER 22, 2026

dj/sm