

Gajender Singh Nagar
Chief Metropolitan Magistrate (Central District)
Room No. 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

**THE COURT OF SH. GAJENDER SINGH NAGAR
CHIEF METROPOLITAN MAGISTRATE (CENTRAL DISTRICT), DELHI**

ORDER ON SENTENCE

SUJATA KOHLI (STATE) VS. RAJIV KHOSLA & ORS.

FIR NO. 177/1994 and CC No. 457/1

(being clubbed vide order dt. 19.09.2005)

PS: SUBZI MANDI

U/S: 323/506(Part-1) of IPC

CNR No. DLCT02-000158-2007

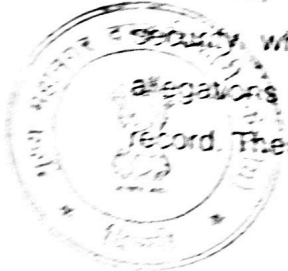
New Case No. 513290/2016

30.11.2021

Present: Sh. Rajiv Kamboj, Ld. APP for State.
Convict Mr. Rajiv Khosla is present in person with Ld. counsel Sh. N C Gupta, Sh. Birender Sangwan and Sh. Pramendra Panwar.
Complainant Ms. Sujata Kohli has joined via Video Conferencing through Cisco Webex.

In the present matter, arguments on sentence were heard previously, however, today certain additional written submissions have been filed on behalf of the convict. Same are not on point of sentence, rather, therein it mentioned that on the last date of hearing complainant made certain false statement before the Court which are contradicted by the convict as it is stated by the convict that he never stopped the victim from appearing before the Court. No complaint was made by the complainant in this regard. It is further contended that complainant moved an application for police protection, however, it is not clarified by which mode she was threatened by the convict. It is further stated that at 10.00 AM, she has moved an application for police protection and at about 3.30 PM, she came and requested for physical hearing and withdrawal of allegations imputed on the Court. The additional written synopsis are taken on record. There is no need to write each and every paragraph of the said written

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synopsis in this order.

Oral submissions are made by the complainant qua these additional submissions. It is stated by her that it is a matter of record that convict had stopped her from appearing in the Court. It is further pointed out by the complainant that the convict always came to the Court with crowd which is a threatening gesture. It is contended that the complainant has sought protection as post judgment, the convict had put on social media several messages which were contemptuous towards the Court due to this attitude of convict protection was sought by her. It is further contended that on 15.11.2021 she denied the request for police protection as only one Head Constable was appointed for her security which was grossly inadequate. It is contended that on each and every date, the convict is making continuous contemptuous statements qua the Court. It is contended that convict is responsible for delay in the matter due to his tactics and delay, the complainant got tired and had moved an application for withdrawal of the case. It is stated that convict always ensure that the Court proceedings may not go smoothly in the matter.

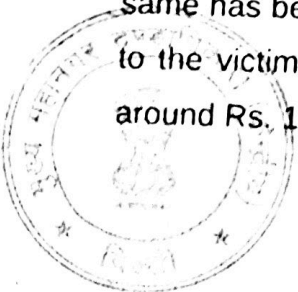
In rebuttal, it is contended on behalf of the convict by his Ld. Counsel that no unparliamentary language was ever used by the Convict in the Court. He never threatened the complainant physically or telephonically. He never tried to tamper with the evidence. In fact, he never sought date during trial, it was the complainant who took various adjournments in the matter.

Heard.

The Victim Impact Report as per directions of Hon'ble High Court in case titled as **Karan Singh Vs. State** has been filed by the DLSA Secretary. The same has been perused. The DLSA has recommended maximum compensation to the victim/complainant. It is also stated that the annual income of convict is around Rs. 18 Lakh.

Ld. APP for the State has filed an affidavit qua expenses incurred

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by the State as per which State has incurred total expenses of Rs. 18,090/- in the present matter.

In the VIR, it is mentioned that convict is having resources to pay whatever compensation may be imposed upon him by the Court. It is further recommended that the Court may in its discretion award reasonable compensation to the victim.

Previous conviction report of the convict has been filed. As per police, there is no other case pending against the convict, however, it is informed by the Ld. APP for State that one case bearing FIR No. 74/2006, PS Subzi Mandi is pending against the convict and the same is pending before the undersigned.

Arguments on sentence were heard on the last date of hearing. The convict imputed various frivolous allegations against the Court and contended that the maximum imprisonment may be imposed upon him.

The convict has also filed written arguments on sentence. Even in the same various frivolous allegations imputed on the Court. It is submitted by him that maximum punishment may be provided to him under the law as he would get his fate decided in the appeal.

Written submissions have also been filed on behalf of the complainant wherein it is stated that the incident had taken place 27 years ago and it was an ordeal to prosecute this case as convict has aggravated his misconduct and extended continuous threats to the lawyers who wanted to help the complainant. Convict had many times did not allow the complainant even to enter in the Court by locking door way, that the convict prolonged the trial. Due to these acts of the convicts, the complainant had to shift her practice to the Hon'ble High Court. She has faced continuous humiliation. It is prayed that a maximum punishment may be imposed upon the convict and maximum compensation may be granted. However, in oral submissions, she stated that she do not require a single penny in compensation from the convict. It is also requested by her that a

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recommendations may be sent to cancel the advocate licence of the convict and a recommendations may also be sent for removal of convict from all the executive posts held by him in Bar Council.

During oral arguments, it is also contended by the complainant that at the stage of deciding sentence mitigating and aggravating facts have to be seen by the Court. It is pointed out that it is not a simple case u/s 323/506(i) IPC. It is beyond a simple case wherein an officer of Court/leader of bar in the presence of a number of persons assaulted a lady bar member. Thus, this conduct of the victim is a aggravating factor.

It is contended by the Ld. APP for the State that appropriate punishment may be given to the convict as per law.

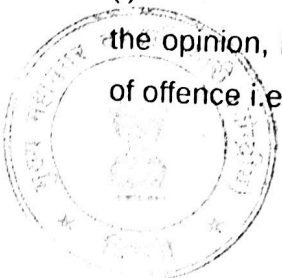
The undersigned has heard oral as well as written synopsis from both the sides.

In the present matter, the convict despite being a member of bar and an officer of the Court assaulted a lady bar member in the presence of a number of lawyers which is definitely an aggravating factor. At the same time, the fact that the convict is 65 years old man, though involved in an another case as per record, however not been convicted in any other case till date as per record of police. Thus, the convict who is aged about 65 years old has for the first time being convicted for an offence which was committed by him 27 years ago, thus this is a mitigating factor to be considered at the time of deciding the punishment.

In these circumstances, the undersigned does not deem it fit to send the convict to imprisonment as he is not convicted in any other case, in his entire life of 65 years, and he is a senior citizen. Accordingly, the convict is sentenced as under:-

- (i) For commission of offence punishable u/s 323 IPC this Court is of the opinion, having regard to the circumstances of the case including the nature of offence i.e. simple hurt and the fact that convict is an old aged person

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who has never been convicted in any other case. The undersigned found it expedient that he be released after due admonition. Convict is further directed to pay a total compensation of Rs. 20,000/- out of which Rs. 10,000/- to be paid to the complainant/victim and Rs. 10,000/- to be paid to the State as costs of proceedings. In default of payment of Rs. 20,000/- convict has to undergo simple imprisonment for a period of 30 days.

(ii) For commission of offence punishable u/s 506(i) IPC:-

Convict is sentenced to pay fine of Rs. 20,000/- out of which Rs. 10,000/- to be paid to the complainant/victim as compensation and Rs. 10,000/- to be paid to the State as costs of proceedings. In default of payment of Rs. 20,000/- convict has to undergo simple imprisonment for a period of 30 days.

The fine is to be paid within a period of one month from today in the Court which should be released to the complainant/victims as and when she appear.

The frivolous and baseless imputations made on Court by the convict, orally and in written arguments, do not deserve even an explanation or reply from the Court.

The request of the complainant to recommend cancellation of bar licence of the convict or his removal from posts in bar council/association, is declined as this Court can pass sentence only as per Indian Penal Code.

Ahlmad is directed to send intimation of this order to the complainant who is entitled for compensation.

Copy of this order be given dasti to convict.

File be consigned to Record Room after due compliance.

Ahlmad is directed to place a copy of this order before the Court on

05.01.2022.

ANNOUNCED IN THE OPEN COURT
ON 30th NOVEMBER, 2021

(GAJENDER SINGH NAGAR)
CMM (CENTRAL):THC:DELHI

Arrested
True Copy
30/11/21
(Reader)