

IN THE COURT OF MS. VANDANA JAIN:  
ADDL. SESSIONS JUDGE-03/SPECIAL JUDGE  
(COMPANIES ACT), DWARKA COURTS, NEW DELHI.

Time Bound Case under  
Maharashtra Control of Organized Crime Act, 1999

(More than ten years old case)

CNR No. : DLSW01-001687-2015  
SC No. : 440644/2016  
FIR No. : 531/2015  
U/s. : 3 MCOCA  
P.S. : Najafgarh

State

Versus

**(1) Vikas Gulia @ Vikas Lagarpuria**

S/o Sh. Surender Singh,  
R/o VPO Lagarpur,  
Tehsil Bahadurgarh,  
Distt. Jhajjar, Haryana.

**(2) Dhirpal @ Kana @ Dheelu,**

S/o Sh. Satya Narayan,  
R/o Village Kheri Jat,  
P.P. Badli, Distt. Jhajjar,  
Haryana.

Also At : RZ-33,  
Chauhan Enclave,  
Old Khera Road,  
Najafgarh, New Delhi.

.....convicts

13.12.2025

ORDER ON SENTENCE

1. By this order, I shall decide upon the quantum of sentence to be awarded to the convicts namely Vikas Gulia @ Vikas

Lagarpuria and Dhirpal @ Kana.

2. Sh. Vijender Singh Kharb, Ld. Addl. PP for the State has argued that the convicts have been held guilty for committing the offence under Section 3 MCOCA in the present case. He has further argued that convicts have no regard or fear of law. Ld. Addl. PP for the State has further argued that both the convicts were granted bail in most of the cases in which their involvement was proved, however, despite that they continued to commit repeated unlawful activities.

3. Ld. Addl. PP for the State has argued that both the convicts have jumped the interim bail during the trial of the present case. Ld. Addl. PP for State has further argued that convict Vikas Lagarpuria managed to remain out for approximately four years and with great difficulty, he was deported from Dubai. Ld. Addl. PP for the State has further argued that convict Dhirpal @ Kana also jumped the interim bail and remained absconded for nearly one year and thereafter, he was arrested by Special Cell in other case. He has further argued that the conduct of both convicts disentitles them to seek any leniency.

4. Ld. Addl. PP for the State has further argued that both the convicts have been convicted in a case of murder in FIR No.60/2014, PS Hissar Civil Lines wherein both convicts were convicted, hence punishment is to be granted under Section 3(1) (i) of MCOCA wherein sentence provided is either death or imprisonment for life, apart from fine, therefore, maximum punishment as prescribed under the law be awarded to them.

5. On the other hand, Sh. Anirudh Yadav, ld. counsel for both convicts has argued that convict Vikas Lagarpuria has a family consisting of his widow mother, wife and two children aged about 6 years and 4 years, who are completely dependent upon him. Ld. counsel has further argued that convict Vikas Lagarpuria is the single child of his parents and he has already remained in custody for more than 6 years and 5 months. Ld. counsel has further argued that out of 18 cases wherein he has been shown to be involved, he has been convicted in only two cases for the offence under Section 25 Arms Act and he has not been convicted for the offence of murder and therefore, Section 3(1)(i) of MCOCA is not applicable to him.

6. Qua convict Dhirpal, ld. counsel has argued that his family consisting of his aged parents, wife and one child aged about 15 years whose future is to be taken care by him, are completely dependent upon him. Ld. counsel has further argued that brother of convict Dhirpal is living separately from his parents. He has already remained in custody for more than 9½ years. Ld. counsel has further argued that though he has been convicted under Section 302 IPC in FIR No.60/2014, PS Hissar Civil Lines, however, an appeal is pending against the said judgment. He has further argued that the said judgment has not attained finality. Ld. counsel has further argued that Section 3(1)(i) of MCOCA cannot be made applicable to convict Dhirpal.

7. Ld. counsel for convicts has argued that the reformatory theory needs to be applied to the case in hand. Ld. counsel has placed reliance on ***Mohammad Giasuddin vs. State of Andhra***

*Pradesh 1977 SCC (Cri) 496* in support of his submission. He has referred to an old saying “Every saint has a past and every sinner has a future.”. He has argued that a lenient view be taken against the convicts as the present case does not fall under Section 3(1)(i) of MCOCA and therefore, both the convicts be sentenced to the period of imprisonment already undergone by them in this case.

8. I have heard Ld. Addl. PP for the State as well as Ld. counsel for both convicts.

9. The convicts have been convicted under an Act which was specifically enacted for prevention and control of, and for coping with, criminal activity by organized crime syndicate or gang. The said Act was enacted keeping in view the fact that organised crime had come up as a serious threat to the society as it knew no territorial boundaries and is fueled by illegal wealth generated by committing the offence of extortion, contract killings, kidnapping for ransom, collection of protection money, murder etc.

10. Vide judgment dated 10.12.2025, convicts Vikas Gulia @ Vikas Lagarpuria and Dhirpal @ Kana have been convicted under Section 3 of MCOCA.

11. Section 3 of MCOCA reads as under:

*“3. Punishment for organised crime.— (1) Whoever commits an offence of organised crime shall,—*

*(i) if such offence has resulted in the death of any person, be punishable with death or imprisonment for life and shall also be liable to a fine, subject to a minimum fine of rupees one lac;*

*(ii) in any other case, be punishable with imprisonment for a term which shall not be less than five years but*

*which may extend to imprisonment for life and shall also be liable to a fine, subject to a minimum fine of rupees five lacs.*

- (2) XXX XXX XXX
- (3) XXX XXX XXX
- (4) XXX XXX XXX
- (5) XXX XXX XXX”

12. It has already been held by this Court in the judgment dated 10.12.2025 that both the convicts had nexus with each other and were together running an organised crime syndicate. Convict Vikas Lagarpuria was found to be involved in 18 cases, out of which three cases were of murder. Convict Dhirpal was found to be involved in 10 cases, out of which two cases were of murder. In one case i.e. FIR No.60/2014 under Section 302/120B/148/149/216 IPC and Section 25 Arms Act, PS Hissar Civil Lines, both the convicts were convicted together. In the said FIR, death of one Sanjay Sharma @ Bittoo had taken place and Convict Dhirpal was convicted for the offence under Section 302/120B IPC and convict Vikas Lagarpuria was convicted for the offence under Section 25 Arms Act. In this regard, two fold arguments of ld. counsel for convicts are that – (i) convict Vikas Lagarpuria has not been convicted under Section 302 of IPC in FIR No.60/2014, PS Hissar Civil Lines; and (ii) both the convicts have filed an appeal, which is continuation of trial and therefore, the said FIR cannot be read against them for the applicability of Section 3(1)(i) of MCOCA Act.

13. The first argument of ld. counsel for convicts needs to be rejected outrightly as it has been proved beyond any doubt that both the convicts were committing offences on behalf of

organised crime syndicate. The fact that roles of syndicate members need not be the same, has been discussed in detail in the judgment. Hence, the fact that convict Vikas Lagarpuria was convicted for the offence under Section 25 Arms Act in FIR No.60/2014, PS Hissar Civil Lines, is insignificant.

14. The second argument of Id. counsel for convicts is regarding pendency of appeal of both convicts in FIR No.60/2014, PS Hissar Civil Lines. The said fact has no bearing on this case. Had this been the impediment, the proper recourse was to seek stay in the present case of MCOCA till the outcome of appeal in FIR No.60/2014, PS Hissar Civil Lines. The said recourse was never taken by the convicts during trial of this case. It is further pertinent to note that nothing on record has been brought till date by the convicts showing that their conviction in FIR No.60/2014 PS Hissar Civil Lines has been stayed by the Appellate Court. In these circumstances, the conviction of convicts in FIR no.60/2014, PS Hissar Civil Lines has to be taken into consideration while passing this order on sentence.

15. There is a difference in sentence prescribed under Section 3(1)(i) and 3(1)(ii) of MCOCA. If offence has resulted in death of a person, Section 3(1)(i) would be applicable, and in all other offences, Section 3(1)(ii) would come into play. As already stated, in the present case death has taken place, hence, it can safely be concluded that both the convicts namely Vikas Lagarpuria and Dhirpal are liable to be punished under Section 3(1)(i) of MCOCA.

16. Apart from FIR No.60/2014, PS Hissar Civil Lines, both the convicts were proved to have been involved in committing all kinds of offences of extortion, robbery, attempt to murder, rioting, deterring public servants while discharging their duties, unlawful assembly, possessing loaded firearms and deadly weapons, albeit their discharge or acquittal in many cases. It has been proved that they were running an organised crime syndicate. The penal laws were found to be inadequate to curb their menace. It has been proved that public witnesses did not come out openly to depose against them due to fear or threat. Despite registration of FIR No.212/2015, PS Chhawla (regarding an incident of firing in a shop). In this case, incident of firing created fear psychosis in the family of complainant, as a result PW-8 Rajbir, brother of PW-7 Sanjay (complainant in FIR No.212/2015, PS Chhawla) went to Bhondsi Jail to meet convict Dhirpal to settle the extortion matter. The terror of the convicts was such that the public person Sh. Rajbir, who otherwise would have never wanted to go to jail, but he was compelled to go to Jail in order to meet convict Dhirpal for saving life of his brother. Under such kind of terror, it is but natural that public persons would not put their life to risk by deposing against convicts. The direct names of the convicts could never have come in the testimony of witnesses for the said reason.

17. Insofar as reliance placed by learned counsel for convicts on ***Mohammad Giasuddin*** (Supra) is concerned, ratio of the said judgment is not at all disputed. It is a fact that reformatory theory is required to be adopted in as many cases as possible, however,

the reformatory theory can only be applied to persons who are willing to reform. Undue sympathy to impose inadequate sentence would do more harm to the public system and would undermine the public confidence in the efficacy of law.

18. In the present case, it has already been proved that they have repeatedly committed unlawful activities of organised crime and therefore, the judgment in ***Mohammad Giasuddin*** (Supra) is not applicable to the facts of present case.

19. Section 3(1)(i) of MCOCA provides two kinds of punishments i.e. (a) death penalty and (b) imprisonment for life, apart from fine.

20. It is no more *res integra* that death sentence can only be awarded in 'rarest of the rare cases' wherein the murder is committed in an extremely inhumane, barbarous, grotesque or dastardly manner as to arouse umbrage of the community at large.

21. The sentence of these convicts emphasizes the need to strike a balance between proportionality of the crime, need for societal prevention and the possibility of reform.

22. For sure, sentencing is not a matter of personal discretion or emotional response. It must be rooted in legal principles and judicial reasoning. Both, undue leniency and excessive harshness distort the concept of justice.

23. Nominal rolls of both convicts have been called and the same have been received.



24. Perusal of nominal roll of convict Vikas Lagarpuria, he remained in judicial custody in this case for 06 years, 5 months and 10 days as on date. His overall conduct in jail is stated to be 'satisfactory'. He remained on interim bail on three occasions i.e. from 04.09.2018 to 08.09.2018, from 15.09.2018 to 28.09.2018 and from 02.11.2018 to 13.11.2018 and duly surrendered in time. When he was granted interim bail fourth time with effect from 21.02.2019, he jumped the same. He was again shown to be in custody from 13.01.2023 till date.

25. Perusal of nominal roll of convict Dhirpal @ Kana @ Dheelu, he remained in judicial custody in this case for 9 years, 7 months and 24 days as on date. His overall conduct in jail is stated to be 'unsatisfactory'. He has been awarded punishments on 26.07.2023, 20.09.2023, 25.08.2023 and 22.11.2023. He remained on interim bail from 28.10.2021 to 25.11.2021 and did not surrender after expiry of period of interim bail. He was readmitted in jail after his arrested in another case FIR No.93/2022 PS Special Cell.

26. Following are the mitigating and aggravating circumstances of both convicts:

**Mitigating Circumstances**

**Convict Vikas Gulia @ Vikas Lagarpuria**

- (i) He has a family consisting of his widow mother, wife and two children aged about 6 years and 4 years, who are completely dependent upon him.
- (ii) Convict Vikas Lagarpuria is the single child of his parents.
- (iii) He has already remained in custody for more than 6 years and 5 months.

### **Convict Dhirpal @ Kana**

- (i) He has a family consisting of his aged parents, wife and one child aged about 15 years, who are completely dependent upon him.
- (ii) He has already remained in custody for more than 9½ years.

### **Aggravating Circumstances**

- (i) Both the convicts have been found to be involved in offences of murder, attempt to murder, extortion, robbery, house trespass, and criminal Intimidation etc.
- (ii) The open use of fire arms in a brazen manner by the convicts.
- (iii) Both the convicts were not affected by number of FIRs registered against them. The existing legal framework i.e. penal and procedural laws, was found to be inadequate. In order to curb their menace and to restore public peace and tranquility, MCOCA was invoked against them.
- (iv) The terror of the convicts was such that it created fear psychosis in the mind of general public that they lost complete faith in the law enforcement agencies and chose to accede to the illegal demands of convicts. Despite suffering losses, they could not gather courage to depose against them.
- (v) During trial, convict Vikas Lagarpuria was granted interim bail several times. He jumped the interim bail granted to him vide order dated 19.02.2019 for a period w.e.f. 21.02.2019 till 28.02.2019. Thereafter, convict Vikas Lagarpuria was declared proclaimed offender vide order dated 28.05.2019. It was only on 11.01.2023 it was brought to the notice of Id. Predecessor of this Court that accused Vikas Lagarpuria was arrested in some other case and therefore, report was called from the concerned SHO for 12.01.2023. On 12.01.2023, report was filed wherein it was stated that convict Vikas Lagarpuria was arrested in another case FIR No.190/2019 PS Special Cell.

(vi) Similarly, convict Dhirpal @ Kana moved an interim bail application on the ground of surgery of his wife and the said application was allowed vide order dated 18.08.2021 whereby 15 days' interim bail was granted to him. Thereafter, an application seeking extension of his interim bail was moved by convict Dhirpal which was dismissed vide order dated 18.11.2021. He did not surrender after expiry of his interim bail and was arrested in another case FIR No.93/2022, Special Cell which is recorded in the ordersheet dated 05.07.2022, on which production warrants against convict Dhirpal @ Kana were issued for 26.07.2022. Therefore, he also remained absconded for almost a year during trial and thus, misused the liberty of interim bail granted to him.

(vii) The conduct of convicts misusing the liberty granted to them, shows their complete disregard to the rule of law and their unruly behaviour.

27. On weighing the above aggravating and mitigating circumstances, this Court is of the view that present case does not fall under the category of 'rarest of the rare cases' and therefore, death penalty cannot be imposed upon the convicts.

28. The alternative punishment provided under Section 3(1)(i) of MCOCA is 'imprisonment for life' and 'fine'. Thus, both the convicts namely Vikas Gulia @ Vikas Lagarpuria and Dhirpal @ Kana are sentenced **to undergo rigorous imprisonment for life and fine to the tune of Rs.3 lakhs each, for committing the offence under Section 3 of MCOCA. In default of payment of fine, both the convicts shall undergo simple imprisonment for a period of one year.**

29. Benefit of Section 428 CrPC shall be given to the convicts.

30. **Fine has not been paid by the convicts.**

31. Warrants of conviction be prepared and convicts be sent to judicial custody to serve the sentence awarded.
32. A copy of this order be supplied to convicts free of cost.
33. A copy of the judgment and order on sentence be sent to concerned Jail Superintendent for information.
34. File be consigned to record room after necessary compliance.

**Announced in the open Court  
on 13.12.2025**

**(Vandana Jain)**  
ASJ-03 & Special Judge (Companies Act)  
Dwarka Courts (SW)/New Delhi/13.12.2025

**Note: This order contains twelve (12) pages and having my signature on each page.**

**(Vandana Jain)**  
ASJ-03 & Special Judge (Companies Act)  
Dwarka Courts (SW)/New Delhi/13.12.2025