

HIGH COURT OF DELHI AT NEW DELHI

CRL. A. NO. 440/2001

Reserved on: 17.09.2010

Date of Decision: 17.09.2010

RAJU @ SOMNATH

... APPELLANT

Through: Mr. Gaurav Bhattacharya, Adv. for Mr.
Ajay Verma, Adv.

versus

THE STATE (NCET OF DELHI)

... RESPONDENT

Through: Mr. Navin Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE S.L. BHAYANA

1. Whether reporters of local paper may be allowed to see the judgment? Yes
2. To be referred to the reporter or not? Yes
3. Whether the judgment should be referred in the Digest? Yes

S.L. BHAYANA, J

1. This appeal has been filed by the appellant under Section 374 (2) Cr.P.C. against the judgment dated 1.3.2001 whereby learned trial Court has found the appellant guilty of an offence u/s 328 and 379 IPC and vide order on sentence dated 1.3.2001 has sentenced him to undergo RI for four years and one year respectively in case FIR No. 456/1998, u/s 328/379 IPC, P.S. Tilak Marg, New Delhi.

2. Arguments heard.

3. I have gone through the impugned judgment passed by learned trial Court and perused the record. Learned trial court in its judgment dated 1.3.2001 has convicted the appellant u/s 328 IPC and sentenced him to undergo RI for four years and pay fine of Rs. 5000/- in default SI for three months. Learned trial Court further convicted the appellant u/s 379 IPC and sentenced him to undergo RI for one year and pay fine of Rs. 2000/- in default SI for two months.

4. The brief facts of the case are that on 31.8.98 one HC Ramphal along with HC Om Parkash and constable driver Rajinder were on duty in a PCR Van near the red light area at the crossing of Zakir Hussain Marg and Subramaniam Bharti Marg. At about 1.30 p.m. one Ajay Gupta made report to HC Ram Phal that two persons travelling in the auto rickshaw had administered intoxicating substance to him and had removed money from his pocket. He was feeling giddy. The police apprehended Mohinder and Raju at the spot whereas the driver of auto rickshaw slipped away. On search of the accused Mohinder one diary and currency notes of Rs. 500/- were recovered from his pocket. Trial Court framed Charge under Section 328 and 379 read with section 34 IPC. PW-1 Ajay Gupta has supported the case of the prosecution and stated before the Court that he was administered intoxicating substance by the accused persons present in the auto rickshaw and they had removed money from his pocket. He was feeling giddy.

5. Keeping in view above facts, I do not find any infirmity in the judgment passed by learned trial Court. Learned trial Court has given very valid reasons in the said judgment. There is no merit in this appeal.

6. Dismissed.

7. A copy of this order be sent to the learned trial Court. Learned trial Court is directed to issue NBWs against the appellant to be served through SHO of the concerned area for undergoing the remaining sentence in Jail.

S.L.BHAYANA,J

SEPTEMBER 17, 2010
Kb