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

DECIDED ON : 27th OCTOBER, 2016

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CRL.REV.P.697/2016

SHAHZAD @ IMRAN

..... Petitioner

Through : Ms.Prabha Mishra, Proxy counsel for
Mr.Biswajit Patra, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through : Mr.Kamal K.Ghei, APP with SI
R.S.Pandit, PS Preet Vihar.

**CORAM:
HON'BLE MR. JUSTICE S.P.GARG**

S.P.GARG, J. (Oral)

CRL.M.A.No.16874/2016 (Exemption)

Exemption allowed subject to all just exceptions.

The application stands disposed of.

CRL.REV.P.697/2016 & CRL.M.B. 1946/2016

1. Present revision petition has been preferred by the petitioner – Shahzad @ Imran to impugn the judgment dated 17.08.2016 of learned Addl. Sessions Judge in Crl.A. 223/2016 whereby the judgment dated 02.05.2016 on conviction and order on sentence dated 06.05.2016 of learned ACMM were upheld. The petitioner was convicted by the Trial Court for

committing offences punishable under Section 382 IPC and under Section 25 Arms Act.

2. I have heard the learned counsel for the petitioner and have examined the file. On perusal of the file, it reveals that the Trial Court based its judgment on conviction on the statement of the complainant - PW-1 (Shahbad). He disclosed that on 06.01.2014 at around 09.00 a.m. when he was going to Madhu Vihar from Nirman Vihar on bus route No.469, he felt that someone had taken out his purse from the pocket. He suspected the petitioner to be the perpetrator of the crime and he was apprehended at Swasthya Vihar Bus Stand. When his custody was handed over to the police and his search was conducted, the purse containing cash ₹270/-, Voter ID card and other documents was recovered from him. He was also found in possession of a buttandar knife. Necessary proceedings were conducted by the police at the spot. Despite lengthy cross-examination, no vital discrepancies could be extracted in the cross-examination. No extraneous consideration was assigned to the complainant to implicate the petitioner for the crime. In the absence of prior animosity or ill-will, the complainant who had no acquaintance with the petitioner is not expected to involve him and to let the real culprit go scot free. It is relevant to note that in 313 Cr.P.C. statement, the petitioner admitted recovery of the purse from his possession. He attempted to shift the blame upon his friend and disclosed that the purse was handed over to him by the friend who had removed it. The petitioner did not disclose the name of his associate. He had no reasons to retain the stolen purse knowingly that it was removed from the pocket of a passenger in the bus. The petitioner did not disclose as to what was his motive to travel in the bus with knife in his possession.

3. The concurrent findings of the Court below are based upon fair appraisal of the evidence and warrant no interference. The petition lacks merit and is dismissed in limine. Pending application also stands disposed of.

4. Copy of the order be sent to the Superintendent Jail for information.

(S.P.GARG)
JUDGE

OCTOBER 27, 2016 / tr

