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

+ CRL.A. 1191/2016

RAVI SHANKAR MISHRA Appellant

Through: Mr. D.K. Pandey, Adv.

versus

STATE (GOVT. OF NCT OF DELHI) Respondent

Through: Ms. Shubhi Gupta, APP for State with
SI Manisha, PS Mandawali

+ CRL.A. 151/2017

SANTOSH KUMAR GUPTA Appellant

Through: Mr. Jayant Malik, Adv.

versus

STATE (GOVT. OF NCT DELHI) Respondent

Through: Ms. Shubhi Gupta, APP for State with
SI Manisha, PS Mandawali

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

04.12.2025

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1. By way of the present appeals under Section 374 Cr.P.C., the appellants, Ravi Shankar Mishra and Santosh Kumar Gupta, seek to assail the judgment of conviction dated 21.10.2016 and the order on sentence dated 25.10.2016 passed by the Learned Additional Sessions Judge-02 (East), Special Judge (NDPS), Karkardooma Courts, Delhi in Sessions Case No. 790/2016, arising out of FIR No. 418/2007, P.S. Mandawali, whereby both appellants were convicted for offences punishable under Sections 489-



B/34 and 489-C IPC.

2. Vide the impugned order on sentence, both appellants were sentenced to undergo Rigorous Imprisonment for five years with a fine of Rs.30,000/- each for the offence under Section 489-B/34 IPC, and in default of payment of fine, to further undergo Simple Imprisonment for six months. For the offence under Section 489-C IPC, they were further sentenced to Rigorous Imprisonment for four years along with a fine of Rs.20,000/- each, and in default, to undergo Simple Imprisonment for six months. The sentences were directed to run concurrently and the benefit under Section 428 Cr.P.C. was extended to both appellants.

3. Subsequently, the sentences imposed upon the appellants were suspended by this Court and they were released on bail. The sentence of appellant/Ravi Shankar Mishra was suspended on 05.11.2019 and appellant/Santosh Kumar Gupta was suspended on 18.09.2019. During trial, co-accused Om Prakash was declared as Proclaimed Offender.

4. Briefly stated, the case of the prosecution was that on 07.09.2007, a secret information was received at Police Station Mandawali that two individuals were in possession of counterfeit United States Dollar notes and were selling them in the area of Shriram Chowk. Acting upon the information, a raiding team was organised and a decoy-customer trap was laid. It was alleged that during this raid, the appellants were apprehended, and counterfeit currency in the denomination of USD 100 was recovered from their possession. The evidence reflects that appellant/Santosh Kumar Gupta was apprehended with 98 counterfeit U.S. Dollar notes of \$100 denomination, out of which one was seized as sample and the remaining 97 were kept sealed as parcel Mark A-1. The trap money of Rs.1,200/-,



consisting of two Rs.500/- notes and two Rs.100/- notes bearing the signature of the IO, was also recovered from him, establishing the sale transaction with the decoy witness. In contrast, appellant/Ravi Shankar Mishra was apprehended with one counterfeit \$100 note from his right pant pocket, sealed as parcel Mark S-2.

5. During the trial, the prosecution examined seven witnesses, including the members of the raiding team, the decoy witness who allegedly purchased forged currency as part of the trap proceedings and the landlord of the premises (PW2) who deposed that in August of 2006 he rented out his premises no.21/5A to Om Prakash and Naresh. The raiding witnesses included PW3, PW4 and PW7, deposed regarding the receipt of the secret information, formation of the raiding party, deployment of the decoy witness with marked currency notes, and the subsequent apprehension of the appellants at the spot. They further testified to the recovery of multiple United States Dollar notes in the denomination of USD 100 from the appellants and seizure of marked Indian currency used in the decoy transaction from the possession of Santosh Kumar Gupta. The landlord corroborated the prosecution version by identifying the address associated with the appellants where equipment's were seized during investigation, allegedly used to print counterfeit currency.

6. In their statements recorded under Section 313 Cr.P.C., the appellants denied all allegations and claimed false implication. No defence evidence was led.

7. Upon evaluation of the evidence, the Trial Court held that the recovery of counterfeit United States Dollar notes from both appellants was proved beyond reasonable doubt and that the circumstances demonstrated



knowledge and intent to use the same as genuine currency.

8. Upon consideration of the material on record, this Court finds no ground to interfere with the findings of the learned Trial Court on the aspect of conviction. Accordingly, the conviction of the appellants under Sections 489-B/34 IPC and 489-C IPC stands affirmed.

9. Learned counsel appearing for appellant Ravi Shankar Mishra submits that the appellant does not wish to press the present appeal on merits and limits the prayer to seeking modification of sentence to that already undergone. It is noted that the appellant is presently 49 years old, comes from a financially weaker background, and has already deposited the fine amount imposed upon him. Heavy reliance is placed on order dated 05.11.2019 passed in CrI.M.B. No. 1714/2018, wherein this Court recorded the appellant's deteriorating medical condition and granted interim suspension of sentence on that ground. As per the medical findings noted therein, the appellant is suffering from a CVA with right-side hemiparesis, in addition to Type-II Diabetes Mellitus and Hypertension, and it was also observed that adequate physiotherapy facilities were not available at the jail he was lodged in. Learned counsel submits that his condition remains compromised and requires continued supervised treatment. It is further noted that the appellant is the sole earning member of his household, his father is 50% physically disabled, his mother is under treatment for kidney disease, diabetes, tuberculosis and partial blindness, his wife suffers from hypertension, and his minor son had undergone cardiac surgery in 2012 for a congenital heart defect. The appellant is stated to be a first-time offender with no other criminal involvement. In view of his fragile medical condition,



family responsibilities and absence of adverse antecedents, a lenient view has been prayed for.

10. Learned counsel appearing for the appellant/Santosh Kumar Gupta also submits on instructions that, the appellant does not wish to press the appeal on merits and confines his prayer to modification of the substantive sentence to the period already undergone. In this regard, it is stated that the appellant has already undergone more than half of the sentence awarded to him and reliance is placed on the judgment of the Supreme Court in Sonadhar v. State of Chhattisgarh, **SLP (Crl.) No. 529/2021**, decided on 06.10.2021. It is further submitted that the appellant is approximately 57 years of age, belongs to an economically weaker background, and is the sole earning member responsible for supporting his wife and dependent family members. Counsel submits that the appellant's wife is undergoing continuous medical treatment for a blocked artery near the right eye, resulting in recurring medical expenses and financial strain. The appellant is stated to be a first-time offender, with no other criminal antecedents, and is stated to have remained compliant during the period of suspension of sentence. While it is noted that the fine imposed by the learned Trial Court has not yet been deposited, learned counsel submits that the appellant undertakes to deposit the same within the period stipulated by this Court. However, considering his economic condition, a request is made for reduction of the fine amount, as it is stated that the appellant may not be in a position to furnish the fine as originally imposed.

11. Learned APP for the State has placed on record the status reports, which are taken on record. As per the material filed, neither appellant is shown to be involved in any other criminal case apart from the present



matter.

12. The nominal roll dated 27.10.2025 for the appellant/Ravi Shankar Mishra is on record as per which, he has undergone a total period of about 2 years and 1 month of his sentence. The nominal roll records that the fine amount stands paid.

13. The nominal roll dated 27.10.2025 for the appellant/Santosh Kumar Gupta is on record as per which, he has undergone about 3 years and 9 months of his sentence. The nominal roll records that the fine amount is not paid.

14. The law with regard to release of the appellant in cases where the convict has undergone more than half of the sentence was laid down by the Supreme Court in Sonadhar v. State of Chhattisgarh (supra) the relevant portion of the same is extracted hereinunder:

'We thus issue the following directions:

a) A similar exercise be undertaken by the High Court Legal Services Committee of different High Courts so that convicts represented by legal aid Advocates do not suffer due to delay in hearing of the appeals. NALSA will circulate this order to the concerned authority and monitor the exercise to be carried on.

b) The Delhi High Court Legal Services Committee would take up the cases of those convicts who have undergone more than half the sentence in case of fixed term sentences and examine the feasibility of filing bail applications before the High Court, while in case of 'life sentence' cases, such an exercise may be undertaken where eight years of actual custody has been undergone.

c) We are of the view that in fixed term sentence cases, an endeavour be made, at least as a pilot project, in these two High Courts to get in touch with the convicts and find out whether they are willing to accept their infractions and agree to disposal of the appeals on the basis of sentence undergone.

d) A similar exercise can be undertaken even in respect of 'life sentence' cases where the sentenced persons are entitled to remission of the remaining sentence i.e., whether they would still like to contest the appeals or the remission of sentence would be acceptable to such of the convicts.

Our aforesaid additional directions are based on a premise that at times if a convict has actually done of what he is accused of and he is remorseful, he may be willing to accept his acts and suffer a lesser sentence. We make it clear that the objective is not to compel or extract acceptance from such convicts depriving of the right of appeal.'



15. On the aspect of sentence, this Court has carefully considered the mitigating circumstances advanced on behalf of both appellants. It is noted that they are first-time offenders, have no other criminal antecedents, and belong to socio-economically vulnerable backgrounds. Both are stated to be the sole earning members of their respective families comprising spouses, minor children and ailing relatives. In the case of appellant/Ravi Shankar Mishra, this Court has taken note that his medical condition remains compromised and the fine imposed upon him has already been deposited. While it is noted that appellant/Ravi Shankar Mishra has not undergone half of the substantive sentence imposed, the peculiar medical factors affecting his long-term functioning and physical disability have persuaded this Court to take a lenient view. With respect to appellant/Santosh Kumar Gupta, it is noted that he is approximately 57 years old and is the sole earning member of his household and he has undergone about 75% of his sentence. In view of the above mitigating circumstances, including the period already undergone, the medical condition of appellant/Ravi Shankar Mishra and the socio-economic vulnerabilities of both appellants, this Court is of the considered view that the ends of justice would be sufficiently met by modifying the substantive sentence to the period already undergone.

16. Keeping in view the financial constraints of the appellant/ Santosh Kumar Gupta, the fine amount is reduced from Rs.30,000/- to Rs. 10,000/- for the offence under Section 489-B/34 IPC, and under Section 489-C IPC fine amount is reduced from Rs.20,000/- to Rs. 5,000/-, he shall deposit the fine amount, within eight weeks from today and furnish proof of such deposit before the IO concerned. In case of default, he shall undergo the sentence in default as directed by the Trial Court.



17. Accordingly, the appeals are partly allowed to the extent indicated above and stand disposed of. Pending applications, if any, also stand disposed of.

18. Subject to payment of fine, the bail bonds furnished by the appellants shall stand cancelled and their sureties discharged.

19. Let a copy of this judgment be transmitted to the learned Trial Court and to the concerned Jail Superintendent, for information and necessary compliance.

MANOJ KUMAR OHRI, J

DECEMBER 4, 2025

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