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

+ CRL.A. 386/2016

AFTAB

..... Appellant

Through: Mr. Sameer Chandra, Mr. Abhay Sahai, Ms. Pallavi Govil & Mr. Zubair Raza, Advocates.

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Rajat Katyal, APP and Ms. Ankita Goyal, Advocate along with ASI Ram Dev, PS-G.K.-I, for the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

09.11.2016

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Learned counsel for the appellant has taken instructions from the appellant. The appellant is also present in Court.

The appellant states that he accepts the conviction under Section 393 IPC provided his sentence is reduced to the period already undergone. The appellant has undergone incarceration for about 2 years and 1 month. The sentence awarded by the Trial Court is 5 years Rigorous Imprisonment. The co-convict Imran Sheikh had also accepted his conviction and his sentence had already been reduced to the period already undergone.

The appellant has been convicted under Section 393 IPC. The appellant is one of the five accused, who were convicted by the Trial Court.

As per the case of the prosecution, on 16.03.2012 at about 4:00 - 4:30 p.m., while the complainant Smt. Raj Kharbanada was present at her house along with her son Rohan Kharbanda, accused Imran entered inside their house. He was accompanied by 3 other accused persons. According to PW-1/ Smt. Raj Kharbanda, one of the three persons, who was immediately behind Imran, pounced upon her and put gun on her head. Her son Rohan Kharbanda was forcibly taken to the bathroom. PW-1 was pushed down and threatened that her son would be killed if she raised the alarm. She was also taken to the bathroom, where her son was there. She was forced to sit on the floor. One of the other accused asked her for the keys of the locker. The aforesaid facts were established by the testimony of the prosecution witnesses, and consequently, the appellant was convicted.

There is no reason to interfere with the impugned judgment even otherwise as it appears to be premised on cogent evident. In view of the aforesaid, the impugned judgment convicting the appellant is sustained.

Considering the fact that there is no minimum sentence prescribed in law and in view of the fact that the appellant has also conceded to accept his conviction and there is no adverse report qua the appellant with regard to his conduct since the time he is on bail, while upholding the conviction of the appellant, the sentence is reduced to the period already undergone. The appeal stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

NOVEMBER 09, 2016

B.S. Rohella