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

+ CRL.A. 384/2005

SATISH CHANDER

..... Appellant

Through: None.

versus

THE STATE

..... Respondent

Through: Ms. Kusum Dhalla, APP for State
with Mr. Jetha Ram, PS. Adarsh
Nagar, Delhi.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **13.06.2018**

The nominal roll has been received from the Superintendent, Central Jail-07, Tihar, New Delhi indicates that the appellant has been released on 18.09.2008 on completion of the sentence with the fine having been paid at the jail gate.

On behalf of the State the learned APP has been submitted a verification report under the signature of SHO, P.S. Adarsh Nagar, Inspector Anil Malik, to the effect that the appellant was not found available at any of the addresses available with the State and the statements of four persons have been recorded in relation thereto.

Though vide order dated 10.08.2006 as modified vide order dated 03.01.2007 the appellant was allowed to be ultimately released on bail on submission of bail bond for Rs. 15,000/- with one local surety to the satisfaction of the Trial Court, apparently as the appellant has been released on 18.09.2008 after completion of the period of sentence he has not availed the grant of bail in terms of the

said order dated 10.08.2006 read with order dated 03.01.2007 and thus no surety for him as well.

On a perusal of the impugned judgment dated 07.01.2005 in Sessions Case No. 54/2003 in FIR No. 494/2002, P.S. Adarsh Nagar, whereby the appellant Satish Chand, S/o Shri Moji Ram was convicted for the commission of robbery while using a *churi* on Smt. Gora Devi, the complainant and caused hurt to her as indicated vide Ex. PW8/A, and also pressed her throat and took out Rs. 140 from under the pillow from the place where she was sitting and put the same into his pocket and also tried to remove her gold chain which she was wearing and golden bangles from her hand and threatened to kill her with a *churi*, a knife the length of which blade was 14 cm., the same suffices to uphold the conviction of the appellant under Section 394 read with Section 397, Indian Penal Code, 1860 as held vide the impugned judgment dated 07.01.2005 and also to uphold the impugned order on sentence dated 17.01.2005, whereby the appellant was sentenced to rigorous imprisonment for a period of 3 years and to a fine of Rs. 1,000/- in default to further rigorous imprisonment for 1 month and to undergo rigorous imprisonment for seven years for the offences punishable under Section 397, Indian Penal Code, 1860. The sentence has already been undergone by the appellant.

In these circumstances, the appeal CRL.A. 384/2005 is dismissed.

ANU MALHOTRA, J

JUNE 13, 2018

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