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

+ CRL.REV.P. 79/2019

SONU @ VIPIN

..... Petitioner

Through

Mr. Kunal Malhotra and Mr. Ankit Monga, Advs.

Versus

STATE

..... Respondent

Through

Mr. Raghuvinder Verma, APP with SI Ravinder of police station Palam Village

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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22.01.2019

Crl. M.A. no. 1423/2019 (for condonation of delay in filing)

Delay in filing condoned. Application is disposed of.

CRL.REV.P. 79/2019, Crl. M.A. no. 1422/2019 and Crl. M.B. No. 125/2019

Petitioner was convicted under Sections 356/379/411 IPC by the trial court. He was sentenced to undergo rigorous imprisonment for two years for the offence under Section 356 IPC and rigorous imprisonment for three years for the offence under Section 379 IPC. Both the sentences were directed to run concurrently. Petitioner preferred an appeal before the Additional Sessions Judge, which has been dismissed by the judgment

impugned in this petition under Section 397 Cr.P.C.

There are concurrent findings of fact returned by the trial court and Appellate Court on appreciation of evidence. It is trite law that the Revision Petition cannot partake the status of an appeal. High Court cannot sift and weigh the evidence adduced before the trial court and substitute its own findings as against the concurrent findings returned by the trial court and the Appellate Court. High Court will step in only when it is shown that conviction is based on no evidence or that there is any flagrant violation of legal principles. No such violation of legal principle has been pointed out nor any perversity could be shown in the impugned judgment.

Chain of PW2 Smt. Kanta Devi was snatched. PW2 has categorically deposed that on 1st December, 2015 at about 2:10/2:20 she was going to meet her daughter and when she reached Big Mart, Old Mehrauli Road, Palam Colony, she boarded a rickshaw. Suddenly, two boys came on a black colour motorcycle and the boy, who was sitting on the pillion seat, snatched the chain with pendent from her neck. She raised alarm. Some public persons from the market caught the boy, who had snatched her chain and the other boy (co-accused) succeeded in running away. Her chain was recovered from the boy, who was caught by the public. Pendent was found

lying on the floor. Somebody made a call to police. Police arrived at the spot. Name of the boy, who was caught by the public, was revealed as Sonu @ Vipin. She stated that her statement Ex. PW2/A was recorded by the police. She has also deposed that police prepared site plan Ex. PW2/C at her instance. She identified her signature on the arrest memo Ex. PW2/D. PW2 identified the petitioner in court correctly.

PW4 Constable Vijender had reached at the spot on receipt of information about the incident. He deposed that when he reached at the spot, that is, Big Mart, Old Mehrauli Road, complainant met him. The boy, who was beaten by the public, was also present there. Smt. Kanta told him that said boy had snatched her chain. Name of the boy was revealed as Sonu. He deposed that he recorded statement of complainant and prepared *Tehrir* and sent the same for registration of the FIR. He also deposed that petitioner was arrested vide a arrest memo Ex. PW2/D. He also proved personal search memo Ex. PW4/A. PW8 Head Constable Rattan Singh had also reached the spot on receipt of information along with PW4 Constable Vijender. He deposed in line with PW4 Constable Vijender. He had arrested the petitioner.

I am of the view that testimony of PW2, which has been corroborated

by the statements of PW4 and PW8 regarding apprehension of the petitioner, has rightly been accepted to conclude that petitioner had committed the offences for which he has been convicted.

For the foregoing reasons, I do not find any reason to interfere with the concurrent findings of the courts below.

Petition is dismissed. Miscellaneous applications are disposed of as infructuous.

A.K. PATHAK, J.

JANUARY 22, 2019

r.bararia