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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 4/2020 & CRL.M.A. 118/2020**
STATE (NCT OF DELHI)

.....Appellant

Through: Mr. Aashneet Singh, APP
SI Yogesh Kumar, PS KM Pur

versus

GURVINDER SINGH RAINA @ SABBY @ SEABI

.....Respondent

Through: Mr. Arjun Malik, Adv.

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

10.12.2024

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1. This is an appeal filed by the State under Section 377(3) CrPC for enhancement of sentence against the order of sentence dated 24.09.2019 passed by the learned ASJ-02, South-East District, Saket Court, Delhi in Case FIR No. 93/2018 under Sections 356/379/411 IPC, registered at PS Kotla Mubarkpur.
2. The facts are that the appellant was found guilty of offence punishable under Section 356 and 379 of IPC and sentenced 2 years rigorous imprisonment along with fine of Rs. 10,000/- under Section 356 of IPC and rigorous imprisonment of 3 years along with fine of Rs. 10,000/- under Section 379 of IPC.
3. After examining the entire conspectus, the learned Sessions Court in paragraph 7 of the order of sentencing held as under:-



7. However, sentence passed against the appellant vide impugned order on sentence dated 26.10.2018 is harsh and disproportionate to the nature of the crime. The case proved against the appellant is that he snatched mobile phone from PW 1. Therefore, considering the pecuniary value of the thing stolen, a lenient view needs to be taken. As per the record, appellant has already spent two months and four days in custody during trial. Accordingly, the sentence passed against the appellant is modified and appellant is sentenced to the period already undergone by him during trial.

4. I am of the view that the learned Sessions Court has taken a correct view that the respondent has already spent 2 months and 4 days in custody for the offence of snatching a mobile phone from PW-1.
5. The learned Sessions Judge has considered the pecuniary value of the thing stolen and taken a lenient view.
6. I find no infirmity in the order as, at best, the respondent is guilty of snatching a mobile phone from the PW-1 and has already spent 2 months and 4 days in jail.
7. The FIR is of the year 2018 and the sword of damocles has been hanging over the respondent for more than 6 years. It is the time to put a finality to the issue.
8. The appeal is dismissed in the aforesaid terms.

JASMEET SINGH, J

DECEMBER 10, 2024 / (MS)

[Click here to check corrigendum, if any](#)