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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 142/2023, CRL.M.A. 3537/2023**

STATE

.....Appellant

Through: Ms. Shubhi Gupta, APP for State with
SI Priyank Rana, P.S. Daryaganj.

versus

MOHD. AAMIR

.....Respondent

Through: None.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
23.07.2025

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1. By way of present appeal filed under Section 377 Cr.P.C., the appellant/State seek has sought enhancement of order on sentence dated 08.03.2022 passed by Ld. ASJ-03 (Central), Tis Hazari Court, Delhi in Sessions Case No. 28429/2016 arising out of FIR No. 25/2016 registered under Sections 394/411/34 IPC at P.S. Darya Ganj.
2. Notice of appeal was directed to be issued on 09.02.2023, however till date no steps have been taken to serve the respondent.
3. Ld. APP for the State submits that the incident in the present case occurred on 13.01.2016 when the respondent, alongwith his associate, robbed the complainant of his mobile phone and purse containing Rs.450/-, three ATM cards, photocopies of Aadhaar Card and PAN Card. She submits that the associate of the respondent caused grievous hurt to the complainant and accordingly, FIR under Sections 394/34 IPC was registered. During the



investigation, a sum of Rs.400/- was recovered at the instance of the present respondent, and accordingly, Section 411 Cr.P.C. was also added. Though the respondent was convicted only under Sections 394/34 IPC, the State is aggrieved by the fact that the respondent was granted benefit of Section 6 of the Probation of Offenders Act, 1958 and released on furnishing probation bond.

4. On a perusal of the records, it appears that on registration of the FIR, the respondent, alongwith his associate, was apprehended; however, the trial was proceeded only against the present respondent, as his associate was not identified in the TIP proceedings. It further appears that respondent has not challenged his conviction.

Insofar as appellant's contention regarding inadequacy of respondent's sentence is concerned, it is observed that the Trial Court noted in the order on sentence that the respondent was less than 21 years of age, and although it was brought to the notice of the Trial Court that the respondent was involved in other cases, the same were noted to be only minor offences, i.e., offences under Section 380 IPC etc. The Trial Court further noted that at the time of commission of those minor offences, the respondent was a juvenile and thus was directed to be released on period already undergone. Moreover, at the time of passing of the order on sentence in the present case, the Trial Court noted that the respondent had already undergone the sentence of four years and eight months.

5. Concededly, the respondent was less than 21 years of age and there was no bar on the Trial Court extending the benefit of the Probation of Offenders Act. The Trial Court noted the conduct of the respondent, as well as his age, and the period undergone by him, while granting the benefit of



the Probation of Offenders Act. In my view, no ground is made out in the present appeal which would compel this Court to interfere with the discretion exercised by the Trial Court. Accordingly, the present appeal alongwith pending applications, is dismissed.

6. A copy of this order be communicated to the Trial Court.

MANOJ KUMAR OHRI, J

JULY 23, 2025

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