



\$~25

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

+ CRL.A. 39/2018

SHAKEEL AHMAD

.....Appellant

Through: Ms.Soumya Yadav, Advocate alongwith
appellant

versus

THE STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State with
SI Sunit

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

01.12.2025

1. By way of present appeal, the appellant seeks to assail the judgement of conviction dated 30.11.2017 and order on sentence dated 05.12.2017 passed by ASJ(FTC), Shahdara, Karkardooma Courts, Delhi, in SC No. 88/2012 arising out of FIR no. 322/2012 registered under Sections 307/186/353/332/34 IPC and Sections 25/27/25(54)/59 Arms Act at P.S. Jagat Puri, Delhi.
2. Vide order on sentence, the appellant has been directed to undergo RI for a period of 5 years alongwith fine of Rs.5,000/- for the offence punishable under Section 307 IPC, in default thereof would further undergo SI for a period of 6 months; directed to undergo RI for a period of 3 months for the offence punishable under Section 186 IPC; directed to undergo RI for a period of 2 years alongwith fine of Rs.2,000/- for the offence punishable under Section 332 IPC, in default thereof would further undergo SI for a



period 1 month; directed to undergo RI for a period of 1 year for the offence punishable under Section 353 IPC; directed to undergo RI for a period of 3 years alongwith fine of Rs.2,000/- for the offence punishable under Section 25 Arms Act and directed to undergo RI for a period of 3 years alongwith fine of Rs.2,000/- for the offence punishable under Section 27 Arms Act in default thereof would further undergo SI for a period of 1 month. The benefit of Section 428 Cr.P.C. has been provided to the appellant.

Vide order dated 18.11.2016, the sentence of the appellant was suspended during the pendency of the present appeal.

3. Briefly put, the case of the prosecution is that on 24.07.2012, information regarding the apprehension of a chain-snatcher and the firing of two shots upon Ct. Naresh was received at the police station vide DD No. 33A and marked to SI Dinesh Kumar, who, alongwith Ct. Ritesh, reached Gali No. 4, South Anarkali, Delhi, where they found that Ct. Naresh and Ct. Jagdish caught hold of the appellant. The statement of Ct. Naresh was recorded, and on its basis, *rukka* was prepared and the present FIR was registered.

4. In support of its case, the prosecution examined 17 witnesses. The material witnesses included the complainant, Ct. Naresh, who was examined as PW-1. Ct. Jagdish, an eyewitness who was present with the complainant at the time of the incident, deposed on similar lines and was examined as PW-3. Rajpal, an independent public witness, was examined as PW-9. Dr. P.C. Sahu, who prepared the MLCs of both the complainant and the appellant, also deposed. The remaining witnesses were formal in nature and deposed to various aspects of the investigation.

5. A perusal of the record indicates that the testimony of PW-1 was



cogent, consistent, and inspires confidence. His version is corroborated by the testimony of the eyewitness, PW-3. Both witnesses correctly identified the appellant in Court. They deposed that the appellant took out a country-made pistol and fired two rounds directly at Ct. Naresh while attempting to flee after being signalled to stop. This fact is further supported by PW-9, an independent public witness, who heard one of the accused shouting “*goli maar de.*” The appellant was apprehended on the spot with the pistol. The said pistol contained two live cartridges, and two fired cartridge cases were recovered from the scene. The FSL report from the Ballistics Division confirms that the country-made pistol recovered from the appellant was in normal working condition and that the empty cartridge cases lifted from the spot had, in fact, been fired from the said weapon recovered from the appellant. The evidence further shows that the appellant grappled with the complainant, tore his uniform, and caused scratches to the complainant, which stands corroborated by the torn uniform as well as the MLC. In contrast, the appellant’s claim of false implication remained wholly unsubstantiated. In contrast, the appellant’s claim that he was falsely implicated remained unsubstantiated, no evidence was led in this regard and there was no reason for the police to falsely implicate him in such a serious firing incident. It is further noted that the co-convict/*Sameer* was acquitted of all charges.

Having considered the material placed on record, this Court concurs with the findings of the trial court and finds no grounds to interfere with the same are made out. Consequently, the conviction of the appellant is upheld qua the offence under Sections 307/186/332/353 IPC and Sections 25/27 Arms Act.



6. At this stage, learned counsel for the appellant, on instructions from the appellant, who is present in court and handed over his gate pass, which is taken on record, submits that the appellant is remorseful and being fully aware of the consequences, does not wish to press the present appeal on merits. He accepts his guilt and prays that he be released on the period already undergone by him in custody. He further submits that fine amount stands paid and in this regard a receipt has already been placed on record.

7. Learned APP for the State has handed over a Status Report, which is taken on record. As per the said report, the appellant has other involvements. However, his convictions pertain only to cases that are prior in time to the present matter.

8. The nominal roll of the appellant dated 16.02.2018 on record reflects that the appellant has undergone about 4 years and his conduct in jail has been noted as satisfactory.

9. The law regarding release of the appellant in cases where the convict has undergone more than half of the sentence was laid down by the Supreme Court in Sonadhar Vs. State of Chhattisgarh, reported as **2021 SCC OnLine SC 3683**, and the relevant portion of the same is extracted hereinunder:

“28. We thus issue the following directions:

a) A similar exercise be undertaken by the High Court Legal Services Committee of different High Courts so that convicts represented by legal aid Advocates do not suffer due to delay in hearing of the appeals. NALSA will circulate this order to the concerned authority and monitor the exercise to be carried on.

b) The Delhi High Court Legal Services Committee would take up the cases of those convicts who have undergone more than half the sentence in case of fixed term sentences and examine the feasibility of filing bail applications before the High Court, while in case of ‘life sentence’ cases, such an exercise may be undertaken where eight years of actual custody has been undergone.

c) We are of the view that in fixed term sentence cases, an endeavor be



made, at least as a pilot project, in these two High Courts to get in touch with the convicts and find out whether they are willing to accept their infractions and agree to disposal of the appeals on the basis of sentence undergone.

d) A similar exercise can be undertaken even in respect of 'life sentence' cases where the sentenced persons are entitled to remission of the remaining sentence i.e., whether they would still like to contest the appeals or the remission of sentence would be acceptable to such of the convicts."

10. The appellant is 39 years old, works as a cable/Wi-Fi operator, and is the sole breadwinner of his family, comprising his aged mother, his wife, and two minor children.

11. Having regard to the fact that the incident pertains to the year 2012 and keeping in view of the facts and circumstances noted hereinabove as well as decision in Sonadhar (Supra), the substantive sentence of the appellant in the present appeal is hereby modified to the period already undergone by him.

12. The personal bond furnished by the appellant stands cancelled and the sureties are discharged.

13. The present appeal is partly allowed and disposed of in the above terms.

14. A copy of this order be communicated to the concerned Jail Superintendent as well as to the Trial Court.

MANOJ KUMAR OHRI, J

DECEMBER 1, 2025

na