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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 56/2020**
STATEAppellant

Through: Mr. Yudhvir Singh Chauhan, APP

versus

CHANCHALRespondent

Through: Ms. Maheshwari, Adv.

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

06.02.2025

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1. The present appeal challenges the order of sentence dated 25.07.2019 passed by the learned ASJ-II (Central) Tis Hazari Courts, Delhi in SC No. 14/2016 arising out of FIR No. 224/2015 under section 392/397/411 of IPC registered at Police Station Subzi Mandi titled as "*State vs. Chanchal*" on the ground of its inadequacy.
2. In the present case, the respondent/accused was convicted for the offence punishable under section 392 of IPC but was acquitted for the offence punishable under section 397 of IPC and was sentenced to 2 years 10 months and fine to the tune of Rs.1,000/-
3. Mr. Chauhan, learned APP states that in the present case, the respondent committed robbery, wherein he robbed a sum of Rs. 300/- of the victim and hence in order to maintain law and order in the society, the sentence must be enhanced. In addition, the act of the respondent was committed during midnight and in order to restore a sense of safety amongst the people of society, the sentence must be enhanced.
4. Ms. Maheshwari, learned counsel appears along with the respondent



in Court today and supports the order of sentence.

5. On perusing the order of sentence dated 25.07.2019, learned Trial Court has noted that the respondent robbed Rs. 300/- cash from Sonu Kumar Yadav by using a vegetable cutting knife and hence was convicted for offence under section 392 of IPC. Learned Trial Court was of the view that the respondent is a first time offender, not involved in any other case and has remained in judicial custody for 2 years 10 months 9 days.
6. I am of the view that the order of sentence has considered the fact that the respondent was a first time offender and had already undergone 2 years 10 months and 9 days of incarceration. The order of sentence was passed in 2019 and even after a lapse of 5 years, there is no other FIR registered against the respondent and has maintained good conduct throughout. For the said reasons, I find no infirmity in the order of sentence, hence, the appeal is dismissed accordingly.
7. It is directed that the respondent shall deposit the fine within a period of one week from today and shall place on record the proof of fine within one week thereafter.
8. In case the proof of fine is not placed on record, the file shall be put up before the Court by the Registry.
9. The present appeal is disposed of in the aforesaid terms.

JASMEET SINGH, J

FEBRUARY 6, 2025/sp

Click here to check corrigendum, if any