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

+ CRL.A. 98/2022

DEEPAK @ JILE SINGH

.....Appellant

Through: Ms. Manika Tripathy, Advocate
(DHCLSC) with Mr. Aakash Mohar,
Advocate with appellant from jail
through V.C.

versus

THE STATE (GOVT NCT OF DELHI)

.....Respondent

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

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

23.09.2025

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1. By way of the present appeal, the appellant seeks to assail the judgment of conviction dated 31.03.2021 and order on sentence dated 04.12.2021 passed by the learned Additional Sessions Judge-03 (Central), Tis Hazari Courts, Delhi in Sessions Case No. 180/2018 arising out of FIR No. 333/2017 registered under Sections 392/34 IPC and Sections 27/54/59 Arms Act at P.S. Nabi Karim.

Vide the impugned order on sentence, the appellant was sentenced to undergo RI for a period of 10 years along with fine of Rs.1,000/-, in default whereof he would undergo SI for 15 days, for the offence punishable under Section 392 r.w. Section 397 IPC; and RI for a period of 1 year along with fine of Rs.1,000/-, in default whereof he would undergo SI for 15 days, for the offence punishable under Section 25(1-B)(b) Arms Act. Both sentences were directed to run concurrently and benefit under Section 428 Cr.P.C. was extended to the appellant.



2. The case of the prosecution in brief is that on 03.11.2017, while the complainant/PW-3 was proceeding towards New Delhi Metro Station, he was intercepted under the *Paharganj* Bridge by two men. The appellant herein took out a knife and threatened him, and the other assailant snatched the complainant's mobile phone from his shirt pocket. The two assailants then tried to flee. The complainant raised an alarm and gave chase to the appellant. PW-7/ASI *Naresh Kumar*, along with PW-2/Ct. *Suresh Kumar*, who were present nearby, upon noticing a man coming from the *Qutub Road* side with a knife in his hand, overpowered the said man, i.e. the appellant, and recovered the knife from his right hand. The complainant reached the spot thereafter. The other assailant, however, managed to escape.

3. The Trial Court found the complainant's testimony, attributing the use of the knife and participation in the commission of the robbery to the appellant, to be cogent and consistent. The complainant duly identified the appellant in Court and withstood the test of cross-examination. His version was corroborated by PW-2/Ct. *Suresh Kumar* and PW-7/ASI *Naresh Kumar*, who deposed that they apprehended the appellant near the spot of the incident and recovered a knife from his possession. The knife was seized, measured, and duly exhibited before the Trial Court. The Trial Court held that the complainant's testimony inspired confidence, particularly in view of the corroboration provided by the police witnesses and the recovery of the knife.

It is well settled that the employment of a knife while issuing threats amounts to the "use" of a deadly weapon, sufficient to sustain a conviction under Section 397 IPC. Reference may be made to the decision of a three-Judge Bench of the Supreme Court in Ram Ratan v. State of M.P., reported



as **2021 SCC OnLine SC 1279**. Further, the possession of a knife of prohibited dimensions in a public place constitutes an offence under Section 25(1-B)(b) of the Arms Act. Based on the material produced, and keeping in mind the complainant's consistent testimony attributing a role to the appellant in threatening him with a knife and participating in the robbery, duly corroborated by the police witnesses and the recovery of the knife, this Court concurs with the findings of the Trial Court and finds that no grounds to interfere with the impugned judgment are made out. Consequently, the conviction of the appellant is upheld qua the offences punishable under Sections 392/397 IPC and Section 25(1-B)(b) of the Arms Act.

4. The appellant has been produced through VC by Jail Warden *Kapil* from Central Jail No. 14, Mandoli, Delhi. The appellant submits that he is remorseful and that being fully aware of the consequences, he 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 undertakes to pay the fine imposed upon him by the Trial Court.

5. Learned APP for the State opposes the appellant's plea on the ground that the appellant has been convicted in other cases, however, concedes that the same were prior to the involvement in the present case.

6. 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 3682**, 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."

7. The appellant is an old man, statedly about 57 years of age. The impugned order on sentence records that he is all alone in this world and has no family members, whereas before this Court the appellant has submitted that he has a wife, children, and grandchildren with whom he has lost touch owing to his incarceration, and that he now wishes to mend his relationships with them.

8. The latest nominal roll on record reflects that the appellant has been in continuous incarceration since 03.11.2017. He has undergone about 9 years of his substantive sentence, and the unexpired portion now stands at about 1 year against his total sentence of 10 years RI.

9. Having regard to the fact that the incident pertains to the year 2017, and the facts and law as discussed above, the appellant's prayer for release on the period already undergone is accepted. The conviction of the appellant under Sections 392/397 IPC and Section 25(1-B)(b) Arms Act is upheld; however, the substantive sentence awarded to him is modified to the period



already undergone by him.

The sentences of fine imposed upon the appellant are upheld. On the appellant depositing the fine amount, he shall be released from jail forthwith, unless required in connection to any other case; however, in case the appellant fails to deposit the fine, he shall undergo the sentence in default of payment of fine as imposed by the Trial Court.

10. The present appeal is partly allowed in the above terms.

11. A copy of this order be communicated to the concerned Jail Superintendent for information and necessary compliance.

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

MANOJ KUMAR OHRI, J

SEPTEMBER 23, 2025

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