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IN THE HIGH COURT OF DELHI AT NEW DELHI

CRL.A. 287/2024

SALMAN

.....Appellant

Through: Mr. S. N. Qureshi, Adv.

versus

STATE (GOVT. OF NCT OF DELHI)

.....Respondent

Through: Mr Pradeep Gahalot, APP for State
with SI Sunit, PS Jagat Puri

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

26.11.2025

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1. By way of the present appeal filed under Section 374(2) Cr.P.C., the appellant challenges the judgment of conviction dated 27.01.2024 and the order on sentence dated 26.02.2024 passed by the learned ASJ (FTC), Shahdara District, Karkardooma Courts, Delhi in SC No. 156/2018 arising out of FIR No. 261/2017, registered at P.S. Jagatpuri, whereby the appellant was convicted for the offence punishable under Section 392/34 IPC.
2. Vide the impugned order on sentence, the appellant was sentenced to undergo Rigorous Imprisonment for a period of five years, along with a fine of Rs. 40,000/- under sections 392/34 IPC, and in default of payment of fine, to further undergo Simple Imprisonment for nine months. Benefit of Section 428 Cr.P.C. was extended.
3. The sentence of the appellant was suspended by this Court vide order dated 15.07.2024.
4. The case of the prosecution, briefly stated, is that on 11.09.2017, the complainant, Smt. Geeta (PW-2), was allegedly robbed of her gold chain



outside *Jindal Book Depot*, Shiv Puri, Delhi, by two persons. It is alleged that the co-accused Imran snatched the chain and brandished a country-made pistol, while the present appellant Salman assisted him by waiting on a motorcycle to facilitate their escape.

5. In support of its case, the prosecution examined fourteen witnesses. The complainant (PW-2) narrated the incident in detail and identified the appellant both during Trial and during the TIP proceedings. PW-5 and PW-7, who were associated with the investigation, supported the prosecution version regarding the proceedings conducted at the spot. PW-11, Dr. Himanshu, proved the CCTV footage and produced the certificate under Section 65-B of the Indian Evidence Act. The remaining witnesses were formal or police witnesses, who proved the arrest, disclosure, and recovery proceedings.

6. Upon consideration of the evidence, the Trial Court held that the prosecution had successfully proved the charge under Sections 392/34 IPC against the appellant Salman. The conviction was primarily based on the testimony of the complainant (PW-2), who consistently identified the appellant as the person seated on the motorcycle and facilitating the escape immediately after the snatching. The Trial Court found that her testimony stood duly corroborated by the CCTV footage proved through PW-11, which captured the appellant waiting near the spot on a motorcycle, and thereafter leaving with the co-accused immediately after the offence.

7. Upon re-appraisal of the evidence and the record of proceedings, this Court finds no reason to interfere with the conclusions of the Trial Court insofar as the conviction under Sections 392/34 IPC is concerned.

8. The appellant is present in person and is duly identified by the IO.



Learned counsel for the appellant, on instructions, submits that the appellant does not wish to press the appeal on merits and confines his prayer to seeking modification of the sentence to the period already undergone. It is further submitted that the appellant belongs to an economically weak background and is the sole breadwinner of his family. Learned counsel submits that the appellant has a wife, two minor children, and an elderly mother dependent upon him. The appellant undertakes to deposit the fine amount as directed, and prays for reduction of the same keeping in view his financial circumstances.

9. Learned APP for the State has submitted on instructions from the IO, that the appellant does not have any other involvements.

10. The latest nominal roll placed on record reflects that the appellant has undergone about 3 years and 4 months of custody, including the remission earned. The nominal roll further indicates that although the appellant has been involved in certain other FIRs, no prior conviction has been recorded against him and several of those matters are pending trial. His overall jail conduct has been noted as satisfactory. The fine imposed by the Trial Court remains unpaid as per the nominal roll.

11. The law with regard to 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 v. State of Chhattisgarh decided on 06.10.2021, in **SLP (CRL)No. 529/2021** the relevant portion of the same is extracted hereinunder:

'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 endeavour 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.

Our aforesaid additional directions are based on a premise that at times if a convict has actually done of what he is accused of and he is remorseful, he may be willing to accept his acts and suffer a lesser sentence. We make it clear that the objective is not to compel or extract acceptance from such convicts depriving of the right of appeal.'

12. Having considered the submissions of learned counsel for the appellant and the learned APP for the State, the nominal roll, the period already undergone, the socio-economic background of the appellant, and the circumstances noted above, this Court is of the view that the interests of justice would be met by modifying the sentence imposed upon the appellant.

13. Accordingly, while affirming the appellant's conviction under Sections 392/34 IPC, the substantive sentence imposed vide order dated 26.02.2024 is modified to the period already undergone, subject to the deposit of the fine amount of Rs. 30,000/- within a period of six weeks from today. The appellant shall deposit the aforesaid amount before the Trial Court and furnish proof of such deposit to the IO. The amount of Rs. 30,000/- shall be released to the victim towards compensation as directed by the Trial Court. The IO shall inform the victim of the present directions and facilitate disbursement of the compensation amount. It is made clear that in the



event of default in payment of fine within the stipulated period, the appellant shall undergo the sentence in default as imposed by the Trial Court.

14 . The appeal is partly allowed and accordingly disposed of in the above terms. Pending applications, if any, also stand disposed of.

15. Subject to payment of the fine amount, the bail bonds be cancelled and sureties discharged.

16. A copy of this order be sent to the concerned Trial Court and concerned Jail Superintendent for information and compliance.

MANOJ KUMAR OHRI, J

NOVEMBER 26, 2025

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