



2025:DHC:11832



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

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Date of Decision: 23.12.2025

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CRL.A. 475/2024 & CRLM (BAIL) 863/2024

SH. RAVI

.....Appellant

Through: Mr Siddarth Yadav, Mr Anmol Kumar
and Ms Jyoti Yadav, Advocates

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr Pradeep Gahalot, APP for State with
SI Rajesh Kumar

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. By way of the present appeal, the appellant seeks to assail the judgment of conviction dated 17.07.2023 and the order on sentence dated 28.11.2023, passed by the learned Principal District & Sessions Judge (North-West), Rohini Courts, Delhi in Sessions Case No.682/17, arising out of FIR No. 785/2016 registered at Police Station Vijay Vihar under Sections 392/394/397/411/34 IPC and 25/27 of the Arms Act. By the impugned judgment, the appellant Ravi was held guilty for the offences punishable under Sections 392/397/411 IPC and Section 25 of the Arms Act, and was acquitted of the charge under Section



394 IPC. The co-accused Gautam was acquitted of all charges.

2. Vide the order on sentence dated 28.11.2023, the appellant was sentenced to undergo five years' Rigorous Imprisonment, with a fine of Rs.3,000/- , in default thereof to undergo simple imprisonment for a period of three months, for the offence under Section 392 IPC. Further, he was sentenced to undergo seven years' Rigorous Imprisonment with a fine of Rs. 5,000/- and in default to undergo simple imprisonment for a period of six months for the offence punishable under Section 397 IPC. He was also directed to undergo one year's Rigorous Imprisonment with a fine of Rs. 1,000/-, in default thereof to undergo simple imprisonment for one month, for the offence under Section 411 IPC. Lastly, he was sentenced to undergo two years' Rigorous Imprisonment for the offence under Section 25 of the Arms Act. The Trial Court directed that all sentences shall run concurrently and extended the benefit of Section 428 Cr.P.C to the appellant.

3. The prosecution case, briefly stated, is that on 25.09.2016 at about 10:30 PM, the complainant *Vishal* (PW-2) was returning to his house after purchasing food when he was intercepted near Shiv Palace, Vijay Vihar Phase-II, Delhi, by two persons riding a motorcycle. It is alleged that the appellant Ravi, who was riding pillion, threatened the complainant with a knife and robbed him of his OPPO mobile phone. While the other accused managed to flee on the motorcycle, the appellant was apprehended at the spot by the complainant with the assistance of public persons, and the robbed mobile phone and knife were recovered from his possession.

4. In support of its case, the prosecution examined seven witnesses. PW-2,



the complainant, supported the prosecution version and identified the appellant in Court as the assailant who had robbed him at knife-point. PW-3, the employer of the complainant, proved ownership of the robbed mobile phone. The remaining witnesses, including police officials, deposed with regard to the registration of the FIR, arrest of the appellant, recovery of the mobile phone and knife, and the investigation carried out in the case.

5. In his statement under Section 313 Cr.P.C., the appellant denied all incriminating circumstances and claimed false implication, stating that he was not present at the spot at the time of the incident. No defence evidence was led.

6. The Trial Court correctly held that the prosecution proved beyond reasonable doubt that the appellant *Ravi* was apprehended at the spot in possession of the robbed mobile phone and a knife, and was accordingly convicted under Sections 392, 397 and 411 IPC and Section 25 of the Arms Act, while being acquitted of the charge under Section 394 IPC. Upon re-appraisal, this Court finds no infirmity in the findings returned by the Trial Court. It is well settled that actual injury is not a prerequisite for attracting Section 397 IPC. The mere display or brandishing of a weapon in a manner sufficient to instil fear and facilitate the commission of robbery constitutes the use within the meaning of the provision. In the present case, the complainant has consistently deposed that the appellant was holding a knife during the robbery, which was sufficient to overpower him. The MLC records that there were blisters burn marks which, were not caused by any of the persons involved in the offence, which is consistent with the prosecution case and supports the acquittal under Section 394 IPC. Accordingly, the conviction of



the appellant Ravi under Sections 392, 397 and 411 IPC and Section 25 of the Arms Act calls for no interference.

7. The appellant is present through VC from the Central Jail, Tihar being produced by Head warden Balam Singh. Learned counsel for the appellant submits on instructions that, the appellant being a first time offender with clean antecedents and having no other criminal involvements does not wish to press the appeal on merits and confines his prayer to seeking release on probation. Further, it is stated that a lenient view be taken, considering the family circumstances of the appellant. Lastly, the counsel on instructions, submits that the appellant undertakes to deposit the fine amount as directed by the trial court.

8. Learned APP for the state has handed over a status report regarding previous involvements of the appellant, which is taken on record. The report confirms that the appellant is not involved in any other case.

9. Pursuant to this Court's directions, the Probation Report submitted in respect of the convict *Ravi* records that he is a 31-year-old unmarried man, resident of H-238, Sultanpuri, Delhi. At the time of the offence, he was 22 years of age and was working as a salesman for clothes. He is educated up to the 9th standard. The report notes that he belongs to a lower socio-economic background and resides with his family in a house measuring approximately 35 sq. yards, consisting of one small room on each floor. His mother, *Pushpa Devi*, aged about 60 years, is a homemaker, and his brother is employed in private service. The family environment is described as stable and supportive. The SIR records that the convict has cordial relations with his family members



and neighbours, who have described him as a family-oriented individual who has been consistently engaged in daily work over the past several years and has not displayed any violent behaviour in the locality. The report further notes that the convict has no prior criminal antecedents, no other case pending against him, and has not availed any parole or furlough till date. His overall jail conduct has been reported as satisfactory, and he has been working as a *Lunger Sahayak* while in custody, indicating constructive utilisation of time. His health status is noted to be normal as per the nominal roll. Upon interaction, the Probation Officer assessed that the convict does not exhibit a criminal bent of mind, has demonstrated sincerity during incarceration, and has positive social and familial support. In view of the above factors, the Probation Officer has opined that the convict shows prospects of rehabilitation and is suitable for consideration for release on probation under supervision.

10. The nominal roll dated 04.12.2025 of the appellant is on record, as per which the appellant has undergone about 2 years and 9 months of his sentence including remission. It further records his jail conduct is recorded as satisfactory. However, he has not deposited the fine amount.

11. The underlying object of releasing offenders on probation is to facilitate their reintegration into society as law-abiding citizens, fostering self-reliance and aiding in their reformation. A testament to the importance of this provision is that the Supreme Court in Lakhvir Singh & Ors. Vs. State of Punjab & Anr.¹, has extended the benefits of the Probation Act even to convicts who had not completed the mandatory minimum sentence of seven years as prescribed

¹ (2021) 2 SCC 763



in Section 397 IPC, since IPC was enacted before the Probation Act came into being. The relevant extract is reproduced hereunder:-

“16. ... A more nuanced interpretation on this aspect was given in CCE v. Bahubali¹⁵. It was opined that the Act may not apply in cases where a specific law enacted after 1958 prescribes a mandatory minimum sentence, and the law contains a non obstante clause. Thus, the benefits of the Act did not apply in case of mandatory minimum sentences prescribed by special legislation enacted after the Act.¹⁶ It is in this context, it was observed in State of M.P. v. Vikram Das⁶ that the court cannot award a sentence less than the mandatory sentence prescribed by the statute. We are of the view that the corollary to the aforesaid legal decisions ends with a conclusion that the benefit of probation under the said Act is not excluded by the provisions of the mandatory minimum sentence under Section 397 IPC, the offence in the present case. In fact, the observation made in Joginder Singh v. State of Punjab¹⁷ are in the same context.

...

18. We, thus, release the appellants on probation of good conduct under Section 4 of the said Act on their completion of half the sentence and on their entering into a bond with two sureties each to ensure that they maintain peace and good behaviour for the remaining part of their sentence, failing which they can be called upon to serve that part of the sentence.”

12. In the present case, the appellant Ravi stands convicted for offences punishable under Sections 392, 397 and 411 IPC and Section 25 of the Arms Act. Section 392 IPC does not prescribe any minimum sentence. While Section 397 IPC prescribes a minimum sentence of seven years' rigorous imprisonment, the same does not exclude the applicability of the Probation of Offenders Act, 1958, in view of the law laid down in Lakhvir Singh (supra). Section 411 IPC also does not prescribe any mandatory minimum punishment. It is further noted that, as per the nominal roll, the appellant has already undergone the substantive sentence imposed upon him for the offence under Section 25 of the Arms Act, thereby satisfying the mandatory custodial



requirement under the said statute.

13. Having regard to the appellant's family circumstances, the absence of any adverse criminal antecedents, the favourable observations recorded in the Probation Report, his satisfactory jail conduct, this Court is persuaded that the ends of justice would be met by adopting a reformatory approach. The appellant was young at the time of the offence and has remained in custody for a substantial period.

14. Accordingly, while upholding the impugned judgment of conviction in respect of offences under Sections 392, 397 and 411 IPC and Section 25 of the Arms Act, the substantive sentence of imprisonment imposed upon the appellant Ravi is modified to the extent that he shall be released on probation of good conduct under Section 4 of the Probation of Offenders Act, 1958, upon furnishing a probation bond in the sum of Rs.10,000/- with one surety of the like amount, to the satisfaction of the Trial Court, within four weeks from today. The appellant shall maintain peace and good behaviour during the period of probation and shall not commit any offence. The appellant shall remain under the supervision of the concerned Probation Officer for a period of one year, and shall report before the Probation Officer once every month.

15. It is made clear that in the event of any breach of the conditions of probation or involvement in any other criminal activity during the period of probation, the benefit granted under this order shall stand revoked, and the appellant shall be liable to undergo the remaining portion of the substantive sentence as originally awarded by the Trial Court.

16. The appeal stands disposed of in the above terms. Pending application



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also stands disposed of.

17. The appellant has voluntarily undertaken to deposit the fine at the time of his release. The appellant shall be released from jail forthwith.

18. A copy of this judgment be communicated to the concerned Trial Court, the Probation Officer, and the concerned Jail Superintendent for information and compliance.

19. *Dasti.*

MANOJ KUMAR OHRI
(JUDGE)

DECEMBER 23, 2025

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