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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.A. 524/2024
RAKESH SHEIKHAppellant
Through: Mr. Abdus Samad, Advocate

versus

THE STATE OF NCT OF DELHIRespondent
Through: Ms. Manjeet Arya, APP for State

+ CRL.A. 581/2024
MOHD JALIL REHMANAppellant
Through: Mr. Mohd. Sahanjan Ishan, Advocate

versus

STATE NCT OF DELHIRespondent
Through: Ms. Manjeet Arya, APP for State

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
28.10.2025

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1. By way of the present connected appeals, the appellants seek to assail the judgment of conviction dated 30.04.2024 and the order on sentence dated 09.05.2024 passed by the learned ASJ-02, New Delhi District, Patiala House Courts, Delhi in Sessions Case No. 49/2024 arising out of FIR No. 128/2012 registered under Sections 489B/489C/34 IPC at P.S. C.R. Park.

Vide the impugned order on sentence, both the appellants were sentenced to undergo RI for a period of 5 years alongwith fine of Rs.25,000/- each, in default whereof they were directed to undergo SI for 3 months each, for the offence punishable under Section 489B IPC. Both appellants were extended the benefit under Section 428 Cr.P.C.



The sentence of appellant/*Rakesh Sheikh* was suspended vide order dated 07.08.2024, whereas the appellant/*Mohd. Jalil Rehman* is presently in jail.

2. Pithily put, the case of the prosecution is that on 27.07.2012, SI *Sandeep* received secret information that two persons dealing in fake currency would come near Jahapanah Club, Alaknanda, at about 6 p.m. to exchange Rs.5,000/- in fake notes for Rs.3,000/- in genuine currency. Acting on this information, SI *Sandeep* organized a raiding party comprising HC *Anil Kumar*, HC *Jeet Singh*, Ct. *Vinod Kumar* and Ct. *Yasin*, along with the secret informer. HC *Anil Kumar* was deputed as decoy customer and Ct. *Vinod Kumar* as shadow witness; the decoy was handed Rs.3,000/- (six notes of Rs.500/- each). Around 6:00 p.m., the appellants arrived at the spot and, after a deal was struck, appellant/*Rakesh Sheikh* gave the decoy Rs.5,000/- in counterfeit notes in exchange for the genuine currency, whereupon both appellants were apprehended on the pre-arranged signal. On search, 200 notes of Rs.500/- denomination were recovered from appellant/*Rakesh Sheikh* and 178 notes of Rs.500/- denomination from appellant/*Mohd. Jalil Rehman*. The recovered notes were sealed and later opined by FSL, Rohini, to be counterfeit.

3. The Trial Court found the testimonies of the decoy customer (PW-1 HC *Anil Kumar*), the shadow witness (PW-2 Ct. *Vinod Kumar*), and the investigating officers (PW-7 SI *Sandeep Godara* and PW-8 SI *Bharat Singh*) to be cogent, consistent, and trustworthy. The witnesses identified the appellants in Court, reiterated their version, and withstood the test of cross-examination with no material contradictions being elicited. Minor clerical errors in the documents, such as the mention of an incorrect vehicle number and police station name, were held to be inconsequential, and the absence of



public witnesses was not considered fatal in the face of credible official testimony corroborated by the FSL report. Based on the evidence on record, this Court concurs with the findings of the Trial Court and finds no grounds to interfere with the impugned judgment. Consequently, the conviction of both appellants under Section 489B IPC is upheld.

4. The appellant/*Rakesh Sheikh* is present in person and the appellant/*Mohd. Jalil Rehman* has been produced through VC from Central Jail No. 8/9, Tihar, New Delhi by Jail Warden *Umesh Dahiya*. Both the appellants respectively submit that they are remorseful and, being fully aware of the consequences, do not wish to press their respective appeals on merits. They accept their guilt and pray that they be released on the period already undergone by them in custody. They further pray that the fine imposed upon them be reduced as they belong to the poor strata of society.

5. Learned APP for the State, Ms. Arya, submits that the nominal rolls of both appellants are on record, which reflect that neither has any prior criminal antecedents and that their conduct in jail has been satisfactory. Learned counsels representing the respective appellants have reiterated their prayer for a lenient view, emphasizing that both are labourers by trade and belong to economically weaker backgrounds. Learned counsel for the appellant/*Rakesh Sheikh*, on instructions from the appellant, submits that he will deposit the fine amount within a period of two weeks.

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. As aforementioned, both appellants are stated to be labourers by trade and the sole earning members of their families, on whom their dependents rely for sustenance. The appellant/*Rakesh Sheikh* is stated to be married with one son, while the appellant/*Mohd. Jalil Rehman* is stated to have a wife and two sons. Both hail from economically weak backgrounds.

8. Their respective nominal rolls reflect that appellant/*Rakesh Sheikh* and appellant/*Mohd. Jalil Rehman* have undergone over three years and over two and a half years of their substantive sentences respectively, against their total sentence of five years rigorous imprisonment each. Both are stated to have maintained satisfactory conduct in jail.

9. Having regard to the fact that the incident pertains to the year 2012, the facts and law as discussed above, and in view of the aforementioned mitigating circumstances, the appellants' prayer for release on the period already undergone is accepted. The conviction of both appellants under Section 489B IPC is upheld; however, the substantive sentences awarded to



them are modified to the period already undergone by them. The sentences in default of payment of fine, however, are maintained, subject to payment of fine as modified hereinbelow.

10. Considering their modest means and the totality of circumstances, the fine imposed upon appellant/*Rakesh Sheikh* by the Trial Court is reduced to Rs.5,000/-, to be paid within two weeks as undertaken; and that of appellant/*Mohd. Jalil Rehman*, considering that he is still in custody, is reduced to Rs.2,500/-.

Upon payment of the requisite amount, appellant/*Rakesh Sheikh* shall furnish a receipt of the same to the concerned I.O. Upon deposit of fine, appellant/*Mohd. Jalil Rehman* shall be released from jail forthwith unless required in connection with any other case.

11. In the event of non-payment, the appellants shall undergo their respective sentences in default of payment of fine as imposed by the Trial Court.

12. Both the present appeals are partly allowed in the above terms.

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

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

MANOJ KUMAR OHRI, J

OCTOBER 28, 2025/nb