



2025:DHC:4905



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of decision: 29.05.2025

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CRL.A. 792/2025

ASHWANI ALIAS KAKE

.....Appellant

Through: Mr. Aman Panwar, Adv.
DHCLSC, Mr. Shrey
Brahmbhatt and Mr. Abhinav
Kumar, Advs.

versus

THE STATE GOVT OF NCT DELHI

.....Respondent

Through: Mr. Manoj Pant, APP for the
State with Mr. Ravinder
Kumar, Ms. Usha Rani and Mr.
Chander Kant, Advs. along
with Inspector Rajesh Verma.

CORAM:**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****SWARANA KANTA SHARMA, J. (ORAL)****CRL.M.A. 17226/2025 (exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CRL.A. 792/2025 & CRL.M.(BAIL) 1225/2025

3. The instant appeal has been filed on behalf of the appellant against the judgment dated 27.03.2025 and order on sentence dated



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13.05.2025, passed by the learned Additional Sessions Judge-03, North District, Rohini Courts, Delhi (hereafter, 'learned Sessions Court'), in SC No. 57856/2016, arising out of FIR bearing No. 424/2013, registered at Police Station Narela, Delhi.

4. Briefly stated, facts of the present case are that the complainant had alleged that he was working as Driver with one Brij Lal @ Pappu Bansal, who was the owner of a factory located at H-1232, DSIDC Narela. On 24.06.2013, at around 8:30 pm, he was standing near a white Polo Car bearing no. DL8 CX-2311 belonging to his employer, near H-1464, DSIDC Narela, Delhi where one boy had approached him and had asked for the score of a cricket match, upon which he replied that the said match was held yesterday. After some time, the said boy had come with his two associates namely Bhagat Singh and the present appellant Ashwani @ Kake. He had pointed a pistol like weapon towards him, and had forcibly snatched the key of the car from him. They had then forced the complainant to sit on the rear seat, and the boy carrying the pistol (i.e accused Rambir) had started driving the above car, while his above two associates were pinning him down at the rear seat. They had also gagged his mouth with a gamchha, and were threatening to kill him in case he raised hue and cry. The boys sitting at the rear seat with him had also robbed his mobile phone and purse, and had thrown him out of the car near Barish Chandra Hospital. The complainant had further stated that his documents such as PAN Card, Adhaar Card, Pass book, cheque book and driving license were also kept in the above car.



5. On the basis of the evidence and material collected during investigation, the learned Trial Court *vide* impugned judgment dated 27.03.2025 had convicted the appellant for offence under Section 392 of IPC, and *vide* order dated 13.05.2025, the learned Trial Court had sentenced him to undergo rigorous imprisonment for a period of six years along with payment of fine of Rs.10,000/-, and in default of payment of fine, to further undergo simple imprisonment for a period of one month.

6. Aggrieved by the aforesaid impugned orders, the present appeal had been preferred on behalf of the appellant.

7. The learned counsel appearing on behalf of the appellant submits, on instructions, that the appellant is not pressing the present appeal on its merits. It is further submitted that the appellant rather prays for leniency since the incident in question had taken place about 12 years back. It is stated that considering the sentence already undergone by the appellant, his sentence of imprisonment may be reduced to the period already undergone.

8. The learned APP for the State submits that he has no objection if the sentence of the appellant is reduced to the period already undergone by him, and the conviction is upheld.

9. This Court has heard arguments addressed on behalf of both the parties and has gone through the material placed on record.

10. This Court notes that the present case emanates from an FIR registered in the year 2013, pertaining to an incident dated 24.06.2013. Thus, the offence in question had taken place about 12



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years ago. The appellant herein was aged about 28 years at the time of the incident, who today is more than 40 years of age.

11. Thus, considering the overall facts and circumstances of the case, and after going through the nominal roll of the appellant, which mentions that the appellant has already served sentence of rigorous imprisonment for more than five years and six months out of the sentence awarded i.e., rigorous imprisonment of six years, and the fact that the conviction is not being challenged, this Court is of the opinion that ends of justice would be met in case the sentence of imprisonment of the appellant is reduced to the period already undergone by him in relation to the present case. However, the conviction of the appellant is upheld.

12. Accordingly, the present appeal along with pending application stands disposed of in above terms.

13. Bail bonds stand cancelled, and the sureties stand discharged.

14. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

MAY 29, 2025/A