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

+ CRL.A. 552/2024, CRL. MB 1058/2024

BIJENDER @ LALLA

.....Appellant

Through: Mr. Rajul Shrivastav, Advocate
(DHCLSC).

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
with SI Gaurav, P.S. Kalyanpuri

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

22.09.2025

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1. By way of the present appeal, the appellant seeks to assail the judgment of conviction dated 19.03.2024 and order on sentence dated 18.04.2024 passed by the learned Principal District & Sessions Judge, East, Karkardooma Courts, Delhi in Sessions Case No. 519/2016 arising out of FIR No. 95/2014 registered under Sections 392/34 at P.S. Kalyanpuri.

Vide the impugned order on sentence, the appellant was sentenced to undergo RI for a period of 5 years along with fine of Rs.25,000/-, in default whereof he would undergo SI for 3 months, for the offence punishable under Section 392/34 IPC. Out of the fine imposed, a sum of Rs.15,000/- was directed to be paid to the complainant/victim. The appellant was also extended the benefit under Section 428 Cr.P.C.

2. Pithily put, the case of the prosecution is that on 31.01.2014, while the complainant/PW-2 *Ravi Kumar* was taking a stroll after dinner, he was stopped near 16-20 Chowk, Kalyanpuri, by three boys who asked him for the time. When he took out his mobile phone to respond, one of them snatched it, whereafter the appellant brandished a knife and forcibly removed Rs.23,000/- from the complainant's pocket. The complainant made



a PCR call immediately and his statement was recorded by the police the very next morning. On 01.02.2014, the appellant was apprehended at the instance of the complainant and another complainant in a separate FIR, both of whom duly identified him. At the time of his apprehension, a mobile phone belonging to the latter complainant was recovered from the appellant. One of the other assailants was subsequently found to be a juvenile, while the co-accused *Paramjeet* was eventually given the benefit of doubt by the Trial Court and acquitted due to lack of proper identification. However, the material on record against the appellant was found to be unimpeachable.

3. The Trial Court found the complainant's testimony, which ascribed a specific role in the commission of the offence to the appellant, to be cogent, consistent, and trustworthy. The complainant duly identified the appellant in Court, reiterated his earlier version in his testimony, and withstood lengthy cross-examination without any material contradictions arising. The absence of recovery of the complainant's mobile phone was held not to be fatal to the case of the prosecution since the core of the charge was the commission of robbery at knife-point. Based on the material produced, and keeping in mind the complainant's consistent testimony attributing a specific role to the appellant, 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 offence punishable under Section 392/34 IPC.

4. The appellant has been produced through VC by Jail Warden *Anil Kumar* from Central Jail No. 13, 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 within a period of 1 week.

5. Learned APP for the State, on instructions, submits that the appellant has prior involvements. He has handed over a status report in this regard and the same is taken on record. Upon a perusal of the same, it is observed that several of the appellant's previous involvements have either been compounded or ended in acquittal, while in some others he has been enlarged on bail.

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 a young man, presently aged about 25 years, and was



about 18 years of age at the time of commission of the offence. He was gainfully employed prior to his incarceration and is stated to be responsible for maintaining his widowed mother and two unmarried sisters.

8. The latest nominal roll on record reflects that the appellant has already undergone 2 years, 1 month, and 23 days of his substantive sentence as on 15.09.2025, besides having earned remission of 4 months and 22 days, and that the unexpired portion of his substantive sentence now stands at 2 years, 5 months, and 15 days against his total substantive sentence of 5 years RI.

9. Having regard to the fact that the incident pertains to the year 2014, the facts and law as discussed above, and in view of the aforementioned mitigating circumstances, the appellant's prayer for release on the period already undergone is accepted. The conviction of the appellant under Section 392/34 IPC is upheld; however, the substantive sentence awarded to him is modified to the period already undergone by him.

The sentence of fine of Rs.25,000/- imposed upon the appellant is maintained. 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, i.e. 3 months SI, 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 22, 2025/nb