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

+ CRL.A. 1147/2019

RAHUL SHARMA

.....Appellant

Through: Mr. Anurag Jain, Advocate with
appellant in person.

versus

STATE

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
with SI Kamlesh Kumar PS Pul
Pralhadpur, Delhi.

+ CRL.A. 1194/2019, CRL. MA 38378/2019

PRITAM @ VICKY

.....Appellant

Through: Ms. Supriya Juneja, Advocate with
appellant in person.

versus

STATE

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
with SI Kamlesh Kumar PS Pul
Pralhadpur, Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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19.09.2025

1. The present appeal has been instituted under Section 374 Cr.P.C. against the impugned judgment of conviction dated 15.04.2019 and order on sentence dated 30.04.2019, passed by ASJ-06, Saket Courts, Delhi in Sessions Case No. 109/2017 arising out of FIR No. 274/2016 registered under Sections 394/397/34 IPC at P.S. Pul Pralhadpur, Delhi.

Vide the impugned order on sentence, the appellants/*Pritam @Vicky*



and *Rahul Sharma* were sentenced to undergo RI for a period of 5 years for the offence punishable under Section 394 IPC alongwith fine of Rs.2,500/-, in default whereof they would undergo SI for 3 months. The appellants were granted the benefit under Section 428 Cr.P.C. for the period of detention already undergone by them in custody.

The sentence of the appellant/ *Rahul Sharma* was suspended during the pendency of the present appeal vide order dated 25.03.2021.

The sentence of the appellant/ *Pritam @Vicky* was suspended during the pendency of the present appeal vide order dated 26.09.2024.

2. The prosecution, in support of its case, examined a total of 7 witnesses. The material witnesses include the complainant, Shri Praveen, examined as PW-1, who deposed that on 01.09.2016, at about 10:45 PM, he was returning to his house on a tri-rickshaw cycle, at Okhla *mor*, three persons were present on the roadside and one of them came to him and pointed a knife and forced him towards the trees and all of them gave him beatings with kicks on his stomach and back. On this, he bent down and one of them gave a stab wound near his back bone at the lower back due to which he fell down on the road. They took his mobile and money and ran away on a motorcycle.

The doctor who proved the MLC, was examined as PW-5, who gave a detailed account of the injury suffered by PW-1. As per the MLC, PW-1 suffered the injury of incised wound 2-2.5 inch length and 1 inch wide left lower chest infra scapular region with muscle exposed. There was tenderness present over sternum, left anterior rib crepitation absent with no element of head injury. There was no blood strain present in nostrils and on the face of the complainant and his respiratory examination area entry on the



left side of chest diminished. Per abdomen RHC and epigastrium tenderness was present. PW-5 had further deposed that the possibility of causing the aforesaid injuries by a knife cannot be ruled out.

3. A perusal of the record indicates that the testimony of PW-1, when read with the testimony of PW-5, supports and corroborates the case of the prosecution. The complainant correctly identified both the appellants in court, though he was unable to specify which of the appellants had inflicted the stab injury. Accordingly, the appellants were acquitted of the charge under Section 397 IPC. However, it stands proved beyond reasonable doubt that the appellants committed the robbery of Rs. 3,000 and a mobile phone, and that a knife was used during the commission of the offence, resulting in a stab injury to the complainant. Consequently, the conviction of the appellant qua the offence under Section 394 IPC are upheld.

4. At this stage, the learned counsels for the appellants, on instructions from the appellants who are present in Court and duly identified by the I.O. (they have also handed over their gate passes, which are taken on record) submit that the appellants being remorseful of their acts do not wish to press the present appeal on merits and instead pray that they be released on the period already undergone by them.

5. Learned APP for the State, on instructions, submits that the status report is on record as well as the nominal roll as per which the appellants are involved in other cases but are currently out on bail.

6. The appellant/ *Pritam @Vicky* is stated to be around 28 years of age is the sole bread earner of his family, which comprises of his wife, brother and an aged mother.

The appellant/ *Rahul Sharma* is stated to be around 28 years of age is



the sole bread earner of his family, which comprises of his mother, father, younger brother and sister.

7. Keeping in view the aforesaid, the appellants have faced trial since the year 2016. As per the nominal roll dated 13.09.2025, which is on record, the appellant/*Rahul Sharma* has undergone 02 years, 01 month, and 22 days as on 13.09.2025. Further, the appellant/*Pritam @ Vicky* has undergone 03 years, 06 months, and 27 days as on 21.10.2024 and he has paid the fine in jail. The substantive sentences of the appellants in the present appeals are hereby modified to the periods already undergone by them. The sentence of fine however, shall remain as it is. The appellants shall pay the fine imposed upon him within a period of four weeks before the Trial Court, if not already paid. The receipt be furnished with the I.O. If the appellants fail to deposit the fine, they shall undergo the default sentence.

8. The present appeal is partly allowed and disposed of in the above terms. Their bail bonds stands cancelled and surety discharged.

9. A copy of this order be communicated to the Trial Court as well as concerned Jail Superintendent, for information and necessary compliance.

MANOJ KUMAR OHRI, J

SEPTEMBER 19, 2025/rd