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

+ CRL.A. 902/2023

MOHIT

.....Appellant

Through: Ms. Gunjan Sinha, Advocate
(DHLSC) with Appellant in person

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms.Shubhi Gupta, APP for State with
SI Dinesh Kumar PS Nand Nagari,
Delhi.

+ CRL.A. 975/2024, CRL. MB 1742/2024

PRAVEEN

.....Appellant

Through: Ms. Gunjan Sinha, Advocate
DHLSC)
Praveen through VC from Jail

versus

STATE GOVT OF NCT OF DELHI

.....Respondent

Through: Ms.Shubhi Gupta, APP for State with
SI Dinesh Kumar PS Nand Nagari,
Delhi.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

09.10.2025

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1. The present appeals have been filed under sections 374(2) read with section 482 Cr.P.C. and under sections 415(2) read with section 528 of B.N.S.S. by the appellants assailing the judgment of conviction dated 26.04.2023 and the order on sentence dated 07.06.2023, passed by the ASJ-



04 (Shahdara), Karkardooma Courts, Delhi, in Sessions Case No. 73/2020 arising out of FIR No. 398/2013, registered at P.S. Nand Nagri, for offences under Sections 392/34 IPC.

The appellants were convicted for the said offences and sentenced to undergo Rigorous Imprisonment for seven years with fine of ₹2,000/- each under Section 392 IPC, in default whereof to further undergo fifteen days' Simple Imprisonment; three years' Rigorous Imprisonment with fine of ₹2,000/- each under Section 365 IPC, in default whereof to further undergo fifteen days' Simple Imprisonment; and one year's Rigorous Imprisonment with fine of ₹1,000/- each under Section 411 IPC, in default whereof to further undergo seven days' Simple Imprisonment. All the sentences were directed to run concurrently, and the benefit of Section 428 Cr.P.C. was extended to both appellants.

Appellant/Mohit was granted suspension of sentence vide order dated 10.12.2024 and is presently on bail, whereas appellant/Praveen remains in custody.

2. The case of the prosecution, briefly stated, is that on the intervening night of 08/09.08.2013, the complainant, a driver by profession, was abducted by four assailants, including the present appellants, who robbed him of his Tata Indigo car and other belongings and left him tied in a park at Nand Nagri. The robbed vehicle was subsequently recovered from the possession of the accused persons by the U.P. Police.

3. In support of its case, the prosecution examined seven witnesses. Deepak, who is the complainant and victim, was examined as PW-1. He



deposed in detail about how, on the intervening night of 08/09.08.2013, he was approached by four persons near Kashmiri Gate, who requested a lift towards Mohan Nagar. After he permitted them to board his car, one of the accused caught him by the neck while another switched off the vehicle. Appellant Praveen, who was armed with a knife, threatened him and forcibly dragged him to the rear seat, while appellant Mohit, who was carrying a *katta*, placed it on the complainant's stomach to subdue him. The complainant was then taken to Nand Nagri Park, where he was tied with his own clothes and left there while the accused fled with his Tata Indigo car bearing registration no. UP-14 DT-5602 (white). The complainant promptly reported the incident to the police, whereafter investigation commenced. PW-4 SI Ravi Karan and PW-6 SI Kanchhid Singh deposed about the recovery of the robbed vehicle and the apprehension of the accused persons the following day, during which the stolen car, knife, and a country-made pistol were seized from their possession. The complainant later identified the appellants in judicial TIP proceedings as well as in Court. The other police witnesses corroborated the recovery proceedings, the seizure memos, and the arrest of the accused.

In their statements recorded under Section 313 Cr.P.C., both appellants denied the allegations and claimed false implication. However, no defence evidence was led to substantiate this plea.

4. The Trial Court observed that the complainant's account of abduction, wrongful confinement, and recovery of his vehicle was fully corroborated by independent circumstances and police evidence. It was held that the offence of abduction with intent to secretly confine, followed by robbery of the



vehicle, and subsequent possession of stolen property, stood conclusively established.

Having perused the record, this Court finds no infirmity in the Trial Court's appreciation of evidence and concurs with its decision.

5. Learned counsel Ms. Gunjan Sinha for the appellant/Praveen, who has also been appointed to represent appellant/Mohit, submits that the appellants having being made to understand the consequences, do not wish to press the appeals on merits and confine their prayer to a modification of the sentence. It is stated, on instructions, that both appellants are remorseful and have already undergone substantial incarceration. Appellant/Mohit present in person and has been duly identified by the IO, he has handed over his gate pass, which is taken on record. Whereas appellant/Praveen, remains in custody.

It is stated that appellant/Mohit has already deposited the fine amount imposed by the Trial Court. He is married, has two minor children, and earns his livelihood by driving an auto-rickshaw. Appellant/Praveen, who has joined proceedings through VC from Jail states that he is about 33 years of age, unmarried, has aged parents and one brother.

6. Learned APP for the state submits that appellant/Mohit has two other involvements and is presently on bail and, as far as appellant/Praveen is concerned, it is submitted he has one involvement but there has been no conviction in that.

7. As per the latest nominal roll dated 08.10.2025 of appellant/Mohit, handed over in Court and taken on record, he has undergone 04 years 10



months including remission as on 20.12.2024. Further, it records that, he paid the fine in Court on 09.06.2023.

As per the nominal roll of appellant/Praveen he has undergone more than 3 years including remission as on 31.07.2025. It records that the fine imposed upon him has not been paid.

8. The law with regard to 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 v. State of Chhattisgarh decided on 06.10.2021, in **SLP (CRL)No. 529/2021** the relevant portion of the same is extracted hereinunder:

'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 endeavour 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.

Our aforesaid additional directions are based on a premise that at times if a convict has actually done of what he is accused of and he is remorseful, he may be willing to accept his acts and suffer a lesser sentence. We make it clear that the objective is not to compel or extract acceptance from such convicts depriving of the right of appeal.'

9. Having considered the submissions, the material on record, the nominal roll, coupled with his family responsibilities, this Court holds that while affirming the conviction as recorded by the Trial Court, the



substantive sentence imposed upon the appellant/Mohit is modified to the period already undergone.

10. In the case of appellant/Praveen, on consideration of aforementioned facts, the substantive sentence is reduced to Rigorous Imprisonment for three years and six months. He shall be released on completion of the said period of incarceration, and payment of fine, failing which he would undergo the default sentence.

11. The present appeals are partly allowed in the above terms and along with any pending applications, stand disposed of accordingly.

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

MANOJ KUMAR OHRI, J

OCTOBER 9, 2025/kb