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

+ CRL.A. 1305/2019

STATE

.....Appellant

Through: Mr Pradeep Gahalot, APP for State
with SI Mahavir, P.S. D.B.G. Road,
Delhi

versus

VISHAL @ RAJU

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **25.08.2025**

1. The present appeal has been preferred by the appellant/State under Section 377 CrPC seeking enhancement of the sentence imposed upon the respondent vide order on sentence dated 17.07.2019 in Sessions Case No. 1097/2018 arising out of FIR No. 567/2015 registered under Sections 392/411/34 IPC at P.S. D.B.G. Road.
2. Notice in the present appeal was issued way back in the year 2019, however, the respondent has remained unserved even after the passing of six long years.
3. With the assistance of the learned APP for the State, this Court has gone through the TCR. The facts as noted by the Trial Court are reproduced hereunder:

“Facts essential for disposal of the case, as per charge sheet, are that on 10.10.2015 complainant Jatin Chaddha/ PW-1 alongwith Constable Dinesh/ PW-2 came to the Police Station



Desh Bandhu Gupta Road and produced one person, namely, accused Vishal alias Raju and lodged complaint Ex.PW1/A with Sub-Inspector Dharmender/PW-4. In his complaint, complainant Jatin Chaddha stated that he is in the business of sale-purchase and on 10.10.2015 at about 01:00 PM, he boarded one green colour DTC Bus from the Bus Stand in front of Prem Dhaba, Rohtak Road, as he was going to Peera Garhi in connection with his business work. In the meantime, two unknown persons, who were already present in the bus and stood adjacent to the left and right side of the complainant. Subsequently, one of the accused took out Rs.27,500/- which were lying in the right side pocket of his wearing pant. The complainant came to know the same and caught his (accused) hand and asked why he had been doing so. In turn, the accused caught hold of neck of complainant from his other hand and his companion took out a knife and both of them threatened the complainant by saying "SAALE CHUP HO JA NAHIN TOH MAREGA". The complainant got frightened and left his hand. In the meantime, bus stopped near Naala Wale Car Market and both the accused persons alongwith robbed money alighted from the bus and ran inside the car market. The complainant also got down from the bus and chased them by raising alarm 'CHOR CHOR, PAKRO PAKRO. On that, some public persons and one beat officer, who was on patrolling duty, ran towards the accused persons. While absconding, one of the accused persons, who had picked money from the pocket of the complainant got hit stone and toppled down. He was beaten by the public persons The accused got minor injuries. The complainant and beat Constable Dinesh also reached there. Constable Dinesh overpowered accused Vishal alias Raju and conducted his personal search in front of the complainant and recovered Rs.27,500/- from right side pocket of his wearing pant. Accused disclosed his name as Vishal alias Raju, son of Puran Singh, Rio H. No. L-244, Wazirpur J.J. Colony, Ashok Vihar and his permanent address as Gali No. 4/5, Colony Saral



Kunj. Near Banthla Phatak, Loni, Ghaziabad, Uttar-Pradesh. Thereafter, accused Vishal alias Raju was handed over to Sub-Inspector Dharmender by Constable Dinesh. Complainant Jatin Chaddha correctly identified accused Vishal alias Raju, who had committed robbery with him and had robbed Rs.27,500/- and stated that he can identify the co-accused if shown to him. The currency notes of Rs.27,500/- which were recovered from accused Vishal alias Raju were kept in a white cloth, scaled with the seal of DBGRD-V and seized the same vide seizure memo Ex.PW-1/B. After recording statement of complainant Jatin Chaddha, RUKKA Ex.PW4/A was prepared and FIR under section 392/411/34 IPC Ex.PW4/C was got registered. During investigation, accused Vishal alias Raju made his disclosure statement Ex.PW-2/A...his personal search was conducted vide personal search memo Ex.PW-1/D. During his personal search, one black wallet containing cash in sum of Rs.800/-was recovered which was kept in police custody by preparing a seizure memo and intimation of his arrest was given to his wife Mamta. At the instance of complainant, investigating officer/ Sub-Inspector Dharmender prepared site plan Ex.PW4/B, deposited seized articles in the malkhana and recorded statements of the witnesses. Despite best efforts, co-accused Ajay could not be arrested.”

4. Relying upon the statement of the complainant, the prosecution examined him as PW-1. He stated that on the date of incident, he had boarded a bus going to Piragarhi, and during the ride two persons accosted him and took a sum of Rs.27,500/- from the pocket of his trousers. At that time, another person, one Ajay, had brandished a knife. Though the respondent was caught at the spot, however, he was not identified by the complainant before the Trial Court. The remaining prosecution witnesses



were police officials who deposed as to various aspects of the incident and the following investigation.

5. Considering that the co-accused could not be arrested during the investigation, the Trial Court, while relying on the testimony of police witnesses and the initial identification of the respondent herein, who was caught at the spot and from whom the robbed money was recovered, convicted the respondent under Sections 392/34 IPC. He was sentenced to undergo rigorous imprisonment for 3 months alongwith payment of fine of Rs.3,000/-, in default whereof he was directed to further undergo simple imprisonment for a period of one week.

6. The offence in question pertains to the year 2015. The Trial Court noted that the respondent, at the time, was 40 years old, had studied only up to the eighth standard, was married, and had a 4-year-old son to look after. Though he was involved in other cases at the time, he was out on bail in all of them.

7. Considering all of the aforesaid, I find no infirmity in the impugned judgment. Accordingly, the present appeal is dismissed.

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

MANOJ KUMAR OHRI, J

AUGUST 25, 2025/sn