



\$~18

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

+ CRL.A. 620/2022 and CRL.M.(BAIL) 1607/2025

MADAN LAL @ BADAL

.....Appellant

Through: Mr. Sumit Saurabh Advocate and
appellant through V.C.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms.Shubhi Gupta, APP for State with
SI Vikash Fagesia, P.S. Subji Mandi

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

06.08.2025

CRL.M.(BAIL) 1607/2025

1. With the consent of the parties, the appeal itself is taken up for consideration.
2. In view of the above, the present application is disposed of as being infructuous.

CRL.A. 620/2022

1. By way of the present appeal, the appellant seeks to assail the judgement of conviction dated 31.05.2022 and order on sentence dated 23.08.2022, passed by learned ASJ-03, Central District, Tis Hazari Courts, Delhi in SC No.29011/2016 arising out of FIR No.231/2016 registered under Section 392/397/34 IPC at P.S. Subzi Mandi, Delhi.



Vide the order on sentence, the appellant was directed to undergo rigorous imprisonment for a period of 7 years for the offence punishable under Section 392 read with Section 397 IPC alongwith payment of fine of Rs.15,000/- in default whereof, he was directed to further undergo simple imprisonment for a period of 15 days and rigorous imprisonment for a period of 1 year for the offence punishable under Section 25(1-B)(b) Arms Act alongwith payment of fine of Rs.1,000/- in default whereof, he was directed to further undergo simple imprisonment for a period of 15 days. The benefit of Section 428 Cr.P.C. was provided to the appellant and all the sentences were directed to run concurrently.

2. Briefly put, the case of the prosecution is that on 28.07.2016, at around 07:00 PM, near Jhulelal Temple, Kabir Basti, Subzi Mandi, Delhi, the complainant-Paras was returning home from Gauri Shankar Temple when he was accosted by the appellant and co-accused Anand @ Mukesh @ Anandi (since deceased), both residents of Kabir Basti. While the co-Accused Anand held the complainant from behind, the appellant placed a knife on his neck and robbed him of his Micromax A120 black-coloured mobile phone and Rs. 900/- from his trouser pocket. They also threatened to kill him if he did not leave silently. Based on the statement of the complainant the present FIR was registered.

3. The Trial Court framed charges vide order dated 15.02.2017 under sections 392/397/34 IPC and 411 IPC against the appellant, to which he pleaded not guilty and claimed trial.

4. In trial, a total of 10 witnesses were examined by the prosecution to prove its case. The complainant, Paras, was examined as PW-1. He identified the appellant and the co-accused, Anand. He also identified the



recovered mobile phone. PW-2, Purshottam, deposed that he was the owner of the said mobile phone, which he had given to his son Vishal. PW-3, Constable Ravinder Kumar, testified that he handed over the original rukka and a copy of the FIR to PW-9, SI Pawan Kumar. The other witnesses deposed relating to various aspects of the investigation. On the other hand, the appellant, in his statement recorded under Section 313 Cr.P.C., claimed innocence and false implication.

5. Notably, a perusal of the impugned judgment and the record available shows that the testimony of the complainant is found to be credible and genuine and the defence failed to prove otherwise. Further, the complainant has duly identified the appellant and the co-accused. During his testimony, he positively identified the appellant as the one who robbed him of the money and his mobile phone. Further, it is not the case of the appellant that there was any kind of animosity between the complainant and accused persons in order to crystallise the intent of the complainant so as to falsely implicate him in the present case. The testimony of complainant remained unimpeached and is found to be credible and reliable.

6. Considering the aforesaid and after going through the evidence on record as well as the impugned judgment, this Court, concurs with the findings of the Trial Court.

7. Learned counsel for the appellant submits that the appellant has been produced through V.C. from Rohini Jail No.10 and is identified by the Jail Warden Rahul Deshwal and having undergone the entire substantive sentence and being aware of the consequences, he does not wish to press the present appeal on merits and prays that the fine be reduced from Rs.15,000 to Rs.4000 for the offence punishable under Section 392 read with Section



397 IPC. In this regard, learned counsel submits that the appellant's Jail conduct during the last year has been satisfactory.

8. Notably, as per the nominal roll dated 01.08.2025, in the present FIR the appellant has undergone entire substantive sentence imposed under the aforesaid Sections, however, the fine imposed upon him has not been paid. Presently, the appellant is undergoing sentence in another FIR No. 254/2019 registered under Sections 392/397/411 IPC and Section 25/27 Arms Act at PS Subzi Mandi and is further stated to be out on bail in FIR No. 166/2013 under Section 304(II) IPC in CRL.M. (BAIL) No. 7445/2015 arising out of CRL.A. No. 823/2015, vide order dated 24.09.2015.

9. Accordingly, while maintaining conviction, the appellant's sentence of fine is modified to the extent that he shall pay a fine of Rs.4,000/- instead of Rs.15,000/-. The fine imposed under Section 25(1-B)(b) of the Arms Act, i.e., Rs. 1,000/-, shall remain the same.

10. A copy of this order be communicated to the Trial Court as well as Jail Superintendent.

11. In view of the above, the present appeal is disposed of as not pressed.

MANOJ KUMAR OHRI, J

AUGUST 6, 2025

na