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

+ **CRL.A. 670/2022**

STATE

.....Appellant

Through: Mr. Pradeep Gahalot, APP for State
with SI Vatan Choudhary

versus

SHAHBAZ

.....Respondent

Through: None

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

24.09.2025

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1. By way of the present appeal, the appellant/State seeks to assail the judgment of conviction dated 22.06.2021 and order on sentence dated 15.12.2021 passed by the learned Additional Sessions Judge-03, Central District, Tis Hazari Courts, Delhi, in Sessions Case No.28313/2016 arising out of FIR No.35/2016 registered under Sections 392/397/34 IPC & Section 103 of Delhi Police Act at P.S. Kotwali.

At the trial stage, vide the impugned order on sentence, instead of awarding any substantive sentence, the appellant was released on probation of good conduct under section 4 of the 'The Probation of Offenders Act, 1958' for a period of three years, upon furnishing a personal bond of ₹50,000/- with one surety of the like amount

2. The present appeal has been pending for service of notice on the respondent. The office report indicates that the notice could not be served as the process fee remains to be filed for the last three years.



3. Instead of dismissing the appeal for non-prosecution, this Court, with the assistance of learned APP for the State, has gone through the records of the case.

4. Learned APP for the State submits that the challenge in the present case is limited to the aspect that after holding the respondent guilty and convicted him for the offence punishable under Section 392 IPC read with Section 103 of Delhi Police Act, 1978, the Trial Court wrongly released the respondent on probation.

5. Pithily put, the facts are that the criminal proceedings were initiated in the context of an incident that occurred on 10.01.2016 at about 02:15 p.m. The complainant was robbed of two mobile phones at knife point by the respondent. The second accused remained absconding and could not be traced. The appellant faced trial for the offence punishable under Sections 392/397/34 IPC and Section 103 of Delhi Police Act. On conclusion of the trial, he was acquitted of charges framed under Section 397 IPC, however, he was convicted under Sections 392/34 IPC read with Section 103 of Delhi Police Act.

6. While passing the impugned judgment, the trial court took note of the fact that the respondent at the time of offence was less than 19 years of age and had remained in custody for more than three months. At the time of passing of the impugned judgment, he was gainfully employed in tailoring shop and stated to be the sole bread earner for his family comprising old and ailing parents. He also had the responsibility of his two unmarried sisters. Though the appellant was stated to be involved in 3 other criminal cases however, he was not found convicted in any of them.



7. The trial court further called for a Social Investigation Report which reflected that the parents of the convict were not maintaining good health and considering that he had two unmarried sisters, the appellant was noted to have been providing financial support to his family by doing tailoring work. The Social Investigation Report also mentions that there was scope of improvement in the conduct and behavior. The Trial Court, keeping in mind the purpose of enactment of the law and the aforesaid circumstances, especially his impressionable age, allowed him to be released on probation for a period of three years.

It is not the case of the State that the appellant was found involved in any subsequent case. Learned APP for the State, on instructions from SI Vatan Choudhary, confirms the same.

8. Keeping in view the entirety of facts noted hereinabove, I find no ground to interfere with the impugned judgment. Consequently, the present appeal fails and is dismissed as such.

MANOJ KUMAR OHRI, J

SEPTEMBER 24, 2025

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