



2025:DHC:9567



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

% Reserved on : 12.08.2025
Pronounced on : 31.10.2025

+ **CRL.A. 862/2024**

MUNNA

.....Appellant

Through: Mr. Shivek Trehan, Advocate
(DHCLSC) with Mr. Ishaan Kumar
and Ms. Riya Nair, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr Pradeep Gahalot, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The appellant having convicted by the Court of Sessions in context of FIR No. 182/2016 registered under Sections 307/392/394/397/342/411 IPC at P.S. Nangloi, seeks to assail the judgment of conviction dated 03.06.2024 whereby he has been convicted for the offence punishable under Sections 307/342/392/397 IPC as well as order on sentence dated 24.07.2024 whereby he has been sentenced as under:-

"1) For offence under section 307 IPC: The convict is sentence to undergo rigorous imprisonment for a period of 10 years and fine of Rs.5000/-, in default of payment of fine, the convict shall further undergo simple imprisonment for a period of 10 days.

2) For offence under section 342 IPC: The convict is sentence to undergo rigorous imprisonment for a period of 1 year and fine of Rs.1000/-, in default of payment of fine, the convict shall further undergo simple imprisonment for a period of 1 day.



3) *For offence under section 392 IPC: The convict is sentence to undergo rigorous imprisonment for a period of 7 years and fine of Rs.5000/-, in default of payment of fine, the convict shall further undergo simple imprisonment for a period of 10 days.*

4) *For offence under section 397 IPC: The convict is sentence to undergo rigorous imprisonment for a period of 7 years and fine of Rs.5000/-, in default of payment of fine, the convict shall further undergo simple imprisonment for a period of 10 days.*

The benefit of Section 428 Cr.PC for set off of the period of sentence already undergone shall be given to the convict. All the sentences imposed on the convict shall run concurrently.

2. The investigation commenced with recording of DD No. 33A dated 06.04.2016 at about 3.55 pm where the caller informed about the incident of theft in his house. The said DD was assigned to SI Ajay who alongwith Ct. Sanjay reached the place of incident and met the complainant, one *Bansi Lal*. Statement of *Bansi Lal* was recorded in which he claimed that he was employed as a driver with one *Mukesh Sharma*. On that day, at about 3 pm, he had received a call from his employer stating that another employee *Mahender* who had collected Rs.6 lacs and had to reach the house of the employer, was not picking up the phone. He was asked by the employer to go to his house and ascertain the status. As the employer had shown an apprehension that theft has been committed by the said *Mahender*, on asking of his employer, *Bansi Lal* made a call at 100 number. As the house was locked, the PCR returned back. At that time the complainant was met by *Babloo*, *Deepak* and *Hem Chand* who were also sent by his employer. All of them reached the house of their employer where, at about 5.45 pm, they heard scream sounds coming from inside the house. They went to the police station and informed them about the same. Accompanied by the police officials, they entered the house and saw the blood lying in the first room after entrance. They also saw one blood stained cot, one blood stained



hammer and two bags in the said room. The second room was shut with the help of yellow colour belt where *Mahender* was found lying in a pool of blood. He was removed to the hospital. On completion of investigation, the charge-sheet came to be filed and charge was framed under Sections 392/397/307/342/411 IPC.

3. The prosecution examined 23 witnesses in all, the primary witnesses being the complainant-*Bansi Lal* (PW1), the injured-*Mahender* (PW2), *Sanjay* (PW3) from whom Rs.6 lacs was collected, *Mukesh Sharma* (PW4) who was the employer, *Hem Chand* (PW5) and *Deepak* (PW6) who accompanied the complainant. The MLC of the injured was exhibited by Dr. *Ajay Kumar* who was examined as PW7. The opinion on the weapon of offence was given by Dr. *Munish Wadhawan* who was examined as PW11. Dr. *Sushil Bhasin* who proved the discharge summary of the injured was examined as PW12, Dr. *Vipin Kumar* was examined as PW18. Dr. *Naresh* was examined as PW19, who exhibited the biological and DNA report. The other witnesses were examined in support of various aspects of investigations.

4. Ld. Counsel for the appellant has assailed the impugned judgment by contending that the Trial Court failed to appreciate suggestions of false implication given during the testimony of the witnesses. In this regard, it is further contended that appellant used to work on need basis with *Mukesh Sharma* and had demanded Rs.2,000/- towards his dues which was denied by *Mukesh Sharma*. The appellant was given beatings and further threatened of false implication. The appellant was rather in Rajasthan. It is also submitted that the hammer stated to be used in the commission of crime as well as the clothes seized were not even shown to the victim for



identification. Without prejudice to above, it was argued that there was no prior intent and the incident had occurred on account of grave and sudden provocation. It is further contended, placing reliance on the decision of Supreme Court in Mohammad Wajid and Anr v. State of U.P.¹, that the offence is one of theft and not robbery.

5. The contentions are refuted by the Ld. APP for the State who stated that the prosecution has been able to link all the chain in the circumstances and the injuries suffered by the injured are opined to be grievous. The hammer was recovered from the spot and as per the opinion the injuries were stated to be caused by the said hammer.

6. I have heard the learned counsels for the parties and carefully perused the Trial Court Record.

7. The complainant-Bansi Lal examined as PW1 had reiterated his statement made during the investigation. He stated that on 06.04.2016 on asking of his employer, he had gone to his employer's house as *Mahender* and the appellant, who had been tasked a job of collecting Rs.6 lacs were not picking the phone. While he along with *Babloo*, *Deepak* and *Hem Chand* were standing outside the house of *Mukesh Sharma* at about 5.15 pm, though the house was locked, they heard the sound of someone's screaming coming from inside the house. They went to the police station and on entering the house found *Mahender* lying in a pool of blood. They also found one hammer, one cot and two bags lying there. The injured was removed to the hospital by the police. He identified his signatures on the seizure memo of hammer, nylon rope cot, bags and blood stained clothes (earth control and blood sample) Ex. PW1/B to PW1/G. He also identified

¹ 2023 SCC OnLine SC 951



the hammer to be the same which was seized at the spot. The same was exhibited as Ex. P1. The pieces of nylon rope of light pink colour of the blood stained cot were identified as Ex. P2. Two black colour bags were exhibited as P3 (Colly). The other witnesses also identified other exhibits seized from the spot.

In cross-examination, he stated that on the date of the incident, *Mukesh Sharma* (his employer) was in Rajasthan. When he visited the house of his employer for the first time, it was locked. He again visited the house in the company of *Babloo*, *Deepak* and *Hem Chand*. At that time he did not notice any keys in the washbasin which he discovered only when he visited the house the third time, accompanied by police officials. The hammer was lying under the cot. The injured was lying unconscious. He also noticed hair strands on the iron part of the hammer. He denied the suggestion that *Munna* was not known to him prior to that day and that he identified the appellant on asking of his employer. He stated that he had neither seen the incident nor saw the appellant fleeing away with Rs.6 lacs cash. He further admitted that when he met the injured after 6 months, he was not informed that the appellant had robbed him of Rs.6 lacs after causing injuries with a hammer. He denied the suggestion that he was not employed with *Mukesh Sharma* and that he made a false statement at the instance of *Mukesh Sharma*.

8. *Mukesh Sharma* the employer, was examined as PW4. He stated that he was doing the business of battery scrap. His mother had expired on 30.03.2016 for which reason he along with his family went to his native village in Rajasthan. At that time he had cash of Rs.6 lacs lying in his house. He gave the same to his friend *Sanjay Gupta*. *Mahender* was his



employee who was taking care of his business in his absence. On the morning of 06.04.2016, he made a telephonic call to *Mahender* and asked him to bring cash of Rs.6 lacs from *Sanjay Gupta* for it to be delivered to some other dealers. During telephonic contact on that day, *Mahender* had informed him that he was taking *Munna* with him to the house of *Sanjay Gupta*. The witness further stated that he knew *Munna* as he used to call him for work occasionally. The witness further stated that he had also informed *Sanjay Gupta* that *Mahender* would come to collect cash from him. On that day at about 2.00-2.30 pm, he received call from *Mahender* informing him that he picked the cash from the house of *Sanjay*. The witness also instructed *Mahender* as well as *Bansi Lal* to go to the shop of M/s Ganpati Batteries in Uttam Nagar and make the payment. When *Mahender* was not picking his phone he made a call to the phone of *Munna* who also didn't pick his call and then he called his driver *Bansi Lal*. When *Mahender* was not picking up the call he got suspicious that he had ran away with the said amount. He had instructed *Bansi Lal* to inform the police and break open the locks. He also informed that his friend *Deepak*, *Bachanu* and *Hem Chand* to visit his house to ascertain the status. He was informed by *Hem Chand* they heard screams coming inside the house and had informed the police. He was informed of the incident by the said persons on which appellant reached Delhi.

On appellant's arrest a bag was found from his house which contained a sum of Rs.3.63 lacs. Appellant also got recovered one gold *Mangalsutra* and three pairs of *bichuas* which were purchased from the robbed amount. The receipt of the purchase of aforesaid jewellery items was also recovered and seized vide seizure memo Ex. PW4/E. The amount of Rs.3.63 lacs



recovered from the house of the appellant was released to the victim on *Superdari*. He identified the jewellery articles during the time of deposition as Ex. P10 and P11.

In cross-examination, he denied the suggestion that Rs.2000/- was due to him or due to the appellant or that he along with *Mahender* had gave beatings to the appellant and further threatened him to implicate in a false case.

9. The prosecution has examined *Sanjay Gupta* as PW3 from whom the money of Rs.6 lacs was to be collected. The witness stated that *Mukesh Kumar Sharma* had to visit Rajasthan as his mother had expired and for which he had handed cash of Rs.6 lacs to him for safe keeping. On 06.04.2016, he received a call from *Mukesh Kumar* stating that he is sending his employee *Mahender* for collecting the said amount. On that day at about 2 pm, said *Mahender*, with another person had come to his house and the said amount was given. He identified the appellant as the person who had accompanied *Mahender* on that day.

In cross-examination, he stated that he had already known *Mahender* as he met him on 5/6 occasions earlier. He stated that both *Mahender* and appellant had come to his house on motorcycle while *Mahender* entered the house, appellant remained standing outside. He saw the appellant as he himself opened the gate.

10. The injured *Mahender* was examined as PW2. He stated that he was working with *Mukesh Sharma*. On 06.04.2016, on telephonic instructions of *Mukesh Sharma*, he had gone to Patel Nagar at the house of *Sanjay Gupta* on motorcycle to collect Rs.6 lacs along-with appellant. After collecting the payment, at about 2 pm they returned to the house of *Mukesh Sharma*



whereafter he telephonically informed the latter of the receipt of the payment and at that time he was sitting on the cot and soon thereafter appellant hit him on his head with a hammer. He became unconscious and when he regained consciousness he found himself in a hospital.

In cross-examination, he stated that *Bansi Lal* was working as a driver with Mukesh Sharma and the appellant used to be called as per the need. He denied having knowledge that *Mukesh Sharma* owed Rs.2,000/- to the appellant. After collection of the amount of Rs.6 lacs, appellant had asked him to give his dues of Rs.2,000/- , however he refused. He denied the suggestion that the appellant had asked his dues from Mukesh Sharma who instead of paying gave beatings to him or extended threat of false implication. He denied the suggestion that he had not picked Rs.6 lacs from the house of *Sanjay Gupta*. He stated that after collecting cash of Rs.6 lacs from *Sanjay Gupta*, they came straight to the house of *Mukesh Sharma*. He identified the bag having red colour design as the one in which payment of Rs.6 lacs was collected from the house of *Sanjay Gupta*. He denied the suggestion that appellant had not hit him with hammer. He also correctly identified the appellant.

11. *Hem Chand* and *Deepak* who had accompanied the *Bansi Lal* at the time in the evening were examined as PW 5 and PW6 respectively. PW6 was asked by Mukesh Kumar to visit his house and he informed PW5. When they reached there they met *Bansi Lal*. They heard the sound of screams coming inside the house. They informed the police and after opening the house they found the injured *Mahender* lying in a pool of blood inside the house. Though the witnesses were cross-examined however, nothing substantial came out from their cross-examination.



12. Dr. Ujjwal Siddharth, Sr. Resident, General Surgery Department, Sanjay Gandhi Memorial Hospital was examined as PW17. He deposed that he appeared on behalf of Dr. Shivam, who had left the services of the hospital and his present whereabouts are not available in the hospital. He further deposed that in surgery department, *Dr. Shivam* had attended the patient/*Mahender* and examined him and on general examination, he found that the patient was drowsy and disoriented. His general condition was poor. His GCS was 13/15. After giving primary treatment and suturing, the patient was advised for NCCT brain.

In cross-examination, he denied the suggestion that he is unable to identify the handwriting and signatures of *Dr. Shivam* or that he had identified his handwriting and signatures in a routine manner. He also denied the suggestion that he has identified the signatures and handwriting of *Dr. Shivam* only on the directions of MS, Sanjay Gandhi Memorial hospital.

13. Dr. *Sushil Bhasin*, Sr. Consultant, Department of Neuro Surgery, Maharaja Agarsen hospital who examined the injured/*Mahender* was examined as PW13. He deposed that *Mahender* was diagnosed with traumatic brain injury with multiple fractures and contusions. During his treatment CT Scan of his head was done wherein it was observed that there were multiple hemorrhagic contusions in bilateral frontal region, right parietal region and left occipital region. Multiple fractures seen in his skull. The witness was not cross-examined despite opportunity.

14. Dr. Vipin Kumar Consultant, Department of Neuro Surgery, Maharaja Agarsen Hospital who examined *Mahender* after he was brought to the hospital after being referred from Sanjay Gandhi Memorial hospital, was



examined as PW18. He deposed that he alongwith Dr. *Sushil Bhasin*, Sr. Consultant, department of Neuro Surgery, had treated patient *Mahender Singh*. CT Scan of the head of patient was conducted and it was observed that there was multiple haemorrhagic contusions in bilateral frontal region, right parietal region and left occipital region. Multiple fractures were seen on the skull of the patient.

In cross-examination, he denied the suggestion that discharge summary Ex.PW-13/A was not prepared by him.

15. Dr. Ajay Kumar, SMO, Deep Chand Bandhu Hospital, who prepared the MLC of *Mahender* was examined as PW7. He deposed that on 06.04.2016 he was posted as Casualty Officer. On the said day, at about 7.45 pm, one person namely *Mahender* was brought to SGM Hospital with the alleged history of assault. He examined *Mahender* and observed that three linear CLW over left side of his scalp (frontal region).

In cross-examination, he denied the suggestion that MLC of *Mahender* was not prepared by him. He also denied the suggestion that MLC Ex. PW7/A of *Mahender* is in the handwriting of some other doctor.

16. Dr. *Naresh Kumar*, Sr. Scientific Officer, (Biology), FSL, Rohini who conducted the DNA was examined as PW19. He deposed that seals on the parcels were found intact. Parcels were opened and exhibits were taken out, which were marked as Ex.1 to Ex.3, Ex.4a, Ex.4b, Ex.5 to Ex.9, Ex.10a, Ex.10b and Ex.10c. On biological examination, blood was detected on all the exhibits except Ex.4a, Ex.4b and Ex.8. He further deposed that on the basis of DNA profile, it was concluded that DNA profile of Ex.9 (blood gauze from the spot) was found matching with the DNA profile of Ex.1, Ex.2, Ex.5, Ex.7, Ex.10a, Ex.10b and Ex.10c.



In cross-examination, he denied the suggestion that if wet samples were collected and subsequently it dried in natural process, it could impact on the examination of the samples. It is wrong to suggest that the samples were not properly sealed when the same were received in the office.

17. Dr. Munish Wadhwan, Specialist Forensic Medicine, Sanjay Gandhi Memorial Hospital who gave the subsequent opinion regarding weapon, was examined as PW11. He deposed that after going through the MLC and discharge summary of the patient *Mahender* and after examining the hammer, he opined that the injury mentioned in the MLC No. 6183/16 are possible with the hammer examined or similar one.

In cross-examination, he denied the suggestion that he did not examine the weapon properly or that he did not peruse the MLC and discharge summary of Mahender for giving opinion Ex. PW11/A.

18. From the above, it is evident that appellant being in the company of the injured on the day of the incident stands proved not only in the testimony of the injured himself but also from the independent witness *Sanjay Gupta*. The latter had clearly stated that on 06.04.2016 Mahender had come with an unknown person and identified him as the appellant. It is stated that the testimony of injured if found believable can be the sole basis of conviction. In the present case, the testimony of Mahender is found to be cogent and credible and finds support from the testimony of other witnesses i.e. *Mukesh Kumar* and *Sanjay Gupta*.

19. In order to sustain a conviction under Section 307 IPC, the prosecution must establish that the act was done with such intention or knowledge that if death had been caused, the offence would amount to murder. The presence of intention or knowledge is *sine qua non*. When



assessing whether an offence committed falls under the provisions of Section 307 IPC, the intention to commit the offence can be gathered from the nature of injury as well as other attending circumstances like the seat of the injury, the nature of the weapons used and the severity with which the blows were inflicted. The act may not even result in an injury. As such, it is the intention or knowledge with which the act was committed which is to be considered. The ingredients of the section are satisfied if the prosecution is able to prove the intent and for its execution, commission of some overt acts (Ref: State of Maharashtra v Balram Bama Patil²). The Supreme Court, in the case of Sivamani v. State,³ discussed the law prevailing around Section 307 IPC in the following manner:-

9. In State of Madhya Pradesh v. Saleem, (2005) 5 SCC 554, the Court held that to sustain a conviction under Section 307, IPC, it was not necessary that a bodily injury capable of resulting in death should have been inflicted. As such, non-conviction under Section 307, IPC on the premise only that simple injury was inflicted does not follow as a matter of course. In the same judgment, it was pointed out that ‘...The court has to see whether the act, irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in the section.’ The position that because a fatal injury was not sustained alone does not dislodge Section 307, IPC conviction has been reiterated in Jage Ram v. State of Haryana, (2015) 11 SCC 366 and State of Madhya Pradesh v. Kanha, (2019) 3 SCC 605. Yet, in Jage Ram (supra) and Kanha (supra), it was observed that while grievous or life-threatening injury was not necessary to maintain a conviction under Section 307, IPC, ‘The intention of the accused can be ascertained from the actual injury, if any, as well as from surrounding circumstances. Among other things, the nature of the weapon used and the severity of the blows inflicted can be considered to infer intent.

20. In the present case, *Mahender* has categorically deposed as to the

² (1983) 2 SCC 28

³ 2023 SCC OnLine SC 1581



appellant giving him two hammer blows on the head, on account of which he lost consciousness and only regained consciousness in the hospital. His testimony has withstood the test of cross examination. PW5, PW6, and PW14 have deposed to finding *Mahender* in an injured condition. The factum of injuries being sustained is also corroborated by the MLC, Ex. PW7/A. 3 linear CLW were found over left side of scalp frontal region, 2 blood clots were found, 2 fresh CLW over posterior aspect of scalp- one over high occipital region and other over left parieto-occipital region. swelling was also found over right fronto-temporal region of scalp. The injuries were opined to be grievous. As per the discharge summary (Ex. PW13/A), he was hospitalised for over 19 days. Dr. *Sushil Bhasin* (PW13) and Dr. *Vipin Kumar* (PW18) deposed that the CT Scan of *Mahender*'s head revealed multiple fractures and haemorrhagic contusions in bilateral frontal region, right parietal region and left occipital region. The FSL report also suggested that the DNA profile generated from blood found on the spot was matching with the hammer, the strands of hair, marble, and clothes of the victim. PW11 opined that the injury to the victim was possible with the seized hammer.

21. Considering that there were two hammer blows to the victim on the head, which is a vital part of the body, and the grievous nature of the injuries received, ingredients of Section 307 are found to be made out. It is contended on the behalf of the appellant that the incident occurred on account of sudden and grave provocation as an argument took place on account of an quarrel on demand of Rs.2,000/-. Exception one of Section 300 IPC reads as follows:-



“Exception 1.—When culpable homicide is not murder.—Culpable homicide is not murder if the offender, whilst deprived of the power of self-control by grave and sudden provocation, causes the death of the person who gave the provocation or causes the death of any other person by mistake or accident.

...
Explanation.—Whether the provocation was grave and sudden enough to prevent the offence from amounting to murder is a question of fact.”

Exception 1 applies when the accused is shown to have deprived of power of self-control by grave and sudden provocation which is caused by the person whose death has been caused. The provocation must be both grave as well as sudden. For the provocation to be sudden, it should be unexpected and the time interval between the provocation and homicide should be short. To see whether the provocation was grave or not, an objective test would have to be applied and mere statement of the accused that he found the provocation to be so would not be sufficient. The test applied, is whether a reasonable person is likely to lose self-control as a result of such provocation. If the action of the accused is disproportionate with the magnitude of provocation, the case will not fall into this exception. Reference may be made to the recent decision of the Supreme Court in Vijay @ Vijayakumar v. State represented by Inspector of Police⁴, wherein it was held as under:-

“22.2. The main difficulty lies in deciding whether a certain provocation was grave or not. A bare statement by the accused that he regarded the provocation as grave will not be accepted by the court. The court has to apply an objective test for deciding whether the provocation was grave or not. A good test for deciding whether a certain provocation was grave or not is this: “Is a reasonable man likely to lose self-control as a result of such provocation?” If the answer is in the affirmative, the provocation will

⁴ Vijay v. State of T.N., (2025) 3 SCC 671



be classed as grave. If the answer is in the negative, the provocation is not grave. In this context, the expression “reasonable man” means a normal or an average person. A reasonable man is not the ideal man or the perfect being. A normal man sometimes loses temper. There is, therefore no inconsistency in saying that, a reasonable man may lose self-control as a result of grave provocation. A reasonable or normal or average man is a legal fiction. The reasonable man will vary from society to society. A Judge should not impose his personal standards in this matter. By training, a Judge is a patient man. But the reasonable man or the normal man need not have the same standard of behaviour as the Judge himself. The reasonable man under consideration is a member of the society, in which the accused was living. So, education and social conditions of the accused are relevant factors. An ordinary exchange of abuse is a matter of common occurrence. A reasonable man does not lose self-control merely on account of an ordinary exchange of abuses. So, courts do not treat an ordinary exchange of abuses as a basis for grave provocation. On the other hand, in most societies, adultery is looked upon as a very serious matter. So, courts are prepared to treat adultery as a basis for grave provocation.

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23. What should be the approach of the court? The provocation must be such as will upset not merely a hasty and hot-tempered or hypersensitive person, but one of ordinary sense and calmness. The court has to consider whether a reasonable person placed in the same position as accused would have behaved in the manner in which the accused behaved on receiving the same provocation. If it appears that the action of the accused was out of all proportion to the gravity or magnitude of the provocation offered, the case will not fall under the exception. The case can only fall under the exception when the court is able to hold that provided the alleged provocation is given, every normal person would behave or act in the same way as the accused in the circumstances in which the accused was placed, acted.”

22. The injured deposed that the appellant asked him for his dues of Rs. 2,000/- but he refused, stating that he could not give him Rs.2,000/- out of the cash of Rs.6 lacs collected from the Party. He gave the first hammer blow on the head of the injured from behind. When the injured turned around in a dizzy condition, the appellant landed a second blow with the hammer, again on the head, resulting in the injured falling unconscious. That



a reasonable man, on refusal to be given Rs. 2,000/-, would be provoked in such a sudden and grave manner so as to be deprived of all self-control and inflict grievous injuries on the head of the person who refuses, this Court finds very hard to believe. The act of escaping with Rs. 3.63 lakhs money afterwards, remains unexplained and rather belies the plea of sudden and grave provocation. Notably, as per the appellant, only Rs. 2000/- was owed to him. Thus, the argument of the appellant is meritless, and the conviction under Section 307 IPC is upheld.

23. The appellant had also contended that the act of the appellant was theft and not robbery as the appellant had hit the victim in a sudden and grave provocation and the intention to commit theft developed subsequently. This argument is also bereft of any merit for the reasons noted in preceding para. The appellant was aware of the huge cash amount which the victim carried. As discussed above, the facts and circumstances do not point to there being any such grave and sudden provocation. In fact, the dispute over payment of wages after reaching the house further establishes that the appellant had eyes on the cash amount which was within his reach. The first hammer blow being from behind, and it being followed by another, both on the head, as well as the appellant fleeing from the spot with Rs. 6 lacs in cash and later, recovery of Rs. 3,63,000/- from his room, conclusively prove that the appellant, in order to commit theft of the money with the injured, for that end, voluntarily caused him injuries and thus committed robbery. The decision in Mohammad Wajid (Supra) can be distinguished as therein the original dispute pertained to agricultural land and not the money at hand. The court had also held that there was no plausible reason for the victim to have had Rs 2 lacs in his pocket. In the present case, it is well established



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how the victim came in possession of the cash and the dispute, even as per appellant's own case, related to money. Thus, since the robbery was caused by a hammer, which is a deadly weapon, appellant was guilty, not just of the offence under Section 392, but also 397 IPC.

24. In view of the facts and circumstances of the present case, this Court finds no grounds to interfere with the impugned judgement or order on sentence. Consequently, both are upheld and the appeal stands dismissed.

25. A copy of this judgment be communicated to the Trial Court as well as the Jail Superintendent.

MANOJ KUMAR OHRI
(JUDGE)

OCTOBER 31st, 2025
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