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

+ CRL.A. 306/2018

ANUJ SAXENA

.....Appellant

Through: Mr. Kanhaiya Singhal, Ms. Avantika,
Mr. Shaswat and Mr. Rahul,
Advocates

versus

THE STATE

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

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11.09.2025

1. The present appeal has been instituted under Section 374 Cr.P.C. against the impugned judgment of conviction dated 06.12.2019 and order on sentence dated 12.02.2018, passed by the ASJ-02, Special Judge (NDPS), Karkardooma Courts, Delhi in Sessions Case No. 564/16 arising out of FIR No. 564/2016 registered under Sections 392/394/397/411/34 IPC at P.S. Pandav Nagar.

Vide the impugned order on sentence, the appellant was sentenced to undergo RI for a period of 5 years for the offence punishable under Section 392 IPC alongwith fine of Rs.2,000/-, in default whereof he would undergo SI for 1 month. The appellant was further directed to pay a sum of Rs.5,000/- to the complainant as compensation, in default whereof he would undergo SI for 1 month. The appellant was granted the benefit under Section 428 Cr.P.C.

The sentence of the appellant was suspended during the pendency of



the present appeal vide order dated 16.01.2019.

2. The complainant in his testimony before the Trial Court deposed that the appellant, along with co-accused *Rohit Dubey*, stopped him near an ATM, and threatened him to hand over his wallet at knifepoint. He further stated that when they demanded his mobile phone and laptop, the complainant raised an alarm whereupon a crowd gathered and apprehended the accused persons at the spot. The appellant and co-accused were then handed over to the I.O. alongwith knife and the robbed money. The testimony of the complainant is consistent, cogent, and inspires confidence. His testimony is also corroborated by the testimonies of police officials, PW-2 and PW-4.

3. At this stage, the learned counsel for the appellant, on instructions from the appellant who is present in Court and duly identified by the I.O., submits that the appellant does not wish to press the present appeal on merits and instead prays that he be released on the period already undergone by him.

4. Learned APP for the state submits that the appellant is involved in FIR No. 1081/2014 registered under Sections 392/394/397/34 IPC at P.S. Pandav Nagar and FIR No. 64/2023 registered under Sections 380/454/411/34 IPC at P.S. Kamla Market, and he is on bail in the cases arising out of both said FIRs.

5. The appellant is stated to be 44 years of age and the sole bread earner of his family, comprising of his wife and aged mother.

6. Keeping in view the fact that the incident pertains to the year 2014 and that as per the nominal roll on record dated 08.01.2019, the appellant has already undergone about 1 year, 8 months and 21 days and earned



remission of 2 months and 19 days, the substantive sentence of the appellant in the present appeal is modified to the period already undergone by him. The appellant shall pay the fine imposed upon him within a period of two weeks before the Trial Court, if not already paid, and the receipt of the same shall be deposited with the I.O. If the appellant fails to deposit the fine, he shall undergo the default sentence.

7. The present appeal is partly allowed and disposed of in the above terms. His bail bonds and surety stands cancelled.

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

MANOJ KUMAR OHRI, J

SEPTEMBER 11, 2025

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