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

+ CRL.A. 492/2018

RAMJAN

.....Appellant

Through: In person

versus

STATE (GOVT OF NCT DELHI)

.....Respondent

Through: Ms.Shubhi Gupta, APP for State with

SI Satyander

33

+ CRL.A. 601/2018

CHANDAN

.....Appellant

Through: Mr.Saurabh Kansal, Ms.Pallavi Sharma

Kansal, Mr.Suraj Kumar Jha, Mr.Raghav Vij &

Mr.Pratham Malik, Advocates with appellant through

V.C.

versus

STATE

.....Respondent

Through: Ms.Shubhi Gupta, APP for State with

SI Satyander

34

+ CRL.A. 668/2018

BABLU @ HABSI

.....Appellant

Through: Ms. Gopashree Raman, Advocate with

appellant through V.C.

versus

STATE

.....Respondent

Through: Ms.Shubhi Gupta, APP for State with

SI Satyander

35

+ CRL.A. 977/2018

MANOHAR @ LAMBU

.....Appellant



Through: Counsel for the appellant (
Appearance not given)

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Ms.Shubhi Gupta, APP for State with
SI Satyander

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

17.12.2025

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1. The present appeals arises from a common judgment of conviction dated 28.03.2018 and the order on sentence dated 31.03.2018 passed by ASJ/Pilot Court(North), Rohini Courts, Delhi in Sessions Case No. 84/2017 arising out of FIR No. 802/2016, registered under Sections 365/392/394/397/34 IPC at P.S. Samaypur Badli, Delhi. By the impugned judgment, the appellants were held guilty for the offences punishable under Sections 365/392/394/34 IPC and acquitted under Section 395 IPC and appellant-*Manohar* was acquitted under Section 25 Arms Act and 397 IPC.

2. Vide the order on sentence, the appellants were sentenced to RI for a period of 5 years alongwith fine of Rs.5,000/- each, and in default SI for 6 months for the offence punishable under Section 365/34 IPC. He was further sentenced to undergo RI for a period of 7 years alongwith fine of Rs.5,000/- each, and in default SI for 6 months for the offence punishable under Section 392/34 IPC, further sentenced to undergo RI for a period of 7 years alongwith fine of Rs.5,000/- each, and in default SI for 6 months for the offence



punishable under Section 394/34 IPC. All sentences were directed to run concurrently, with benefit of Section 428 Cr.P.C.

During the pendency of the appeal, the sentence imposed upon the appellant- *Ramjan* and *Chandan* was suspended vide order dated 27.02.2020. The sentence imposed upon the appellant- *Bablu@Habsi* was suspended vide order dated 19.10.2020. The sentence imposed upon the appellant- *Manohar @Lambu* was suspended vide order dated 08.06.2020.

3. Briefly put, the case of the prosecution is that on 27.08.2016, the complainant *Santosh Kumar*, a truck driver, alongwith helper *Vineet*, loaded 20 tons of rice in truck bearing No. UP-24H-8113 from Village Poyan, District Shahjahanpur (U.P.) and proceeded towards Delhi. They reached Delhi on 28.08.2016 at about 3:00 AM. As the unloading was scheduled for 29.08.2016, the truck was parked near Om Dharam Kanta, Khera Kalan, Delhi. During the intervening night of 28/29.08.2016 at about 12 midnight, *Santosh Kumar* slept inside the cabin of the truck while helper *Vineet* slept on the roof. After about an hour, someone knocked at the cabin door. Upon opening the door, *Santosh Kumar* found four unknown persons aged about 25-30 years, who forcibly entered the cabin. One of them, having a beard, sat on the driver's seat while the other three assaulted him. On resistance, one of the assailants inflicted a knife injury on his hand. Among them, one was armed with a gun and two with knives. The assailants tied the hands and legs of *Santosh Kumar* with a rope lying in the truck and demanded the keys of the vehicle, also inquiring if anyone else was present. Out of fear, he handed over the keys and disclosed that the helper was sleeping on the roof. Thereafter, three of the assailants went



to the roof and later returned. The face of *Santosh Kumar* was also tied, and the truck was driven for about ten minutes. Subsequently, both Santosh Kumar and Vineet were taken out of the truck and left in a forest area. After the assailants fled, Santosh Kumar managed to untie himself and his helper. They reached the main road near Bada Jain Mandir, where a police vehicle met them. They were taken to BJRM Hospital for medical examination. It is further the case of the prosecution that the accused persons also robbed the complainant's mobile phone of make Lava bearing mobile numbers 7897751728 and 9455235046, which was lying inside the truck.

4. In support of its case, the prosecution examined 27 witnesses, including the complainant, *Santosh Kumar*, who was examined as PW-3. *Bhupinder Singh*, owner of the truck, was examined as PW-4. *Vineet*, the helper in truck, was examined as PW-6. *Sachin Malik*, who was working as a Senior Manager in Sukhbir Agro Energy Ltd., he identified the white bags as rice, examined as PW-7. The rest of the witnesses were formal in nature and deposed as to various aspects of the investigation.

The appellants were examined under Section 313 Cr.P.C., wherein they denied all incriminating circumstances and claimed false implication.

5. A perusal of the record indicates that the testimony of the injured witness, PW-3 is cogent, credible and inspires confidence. PW-3 has given a clear and consistent account of the incident, deposing that the appellants forcibly entered the truck during the night, beat him and PW-6, tied their hands and legs, took them in the same truck and thereafter abandoned them at a secluded place after covering them with a blanket, before fleeing with the truck



loaded with rice and his mobile phone. PW-3 correctly identified the appellants in Court. The version of PW-3 stands duly corroborated by the MLCs, which record injuries on PW-3 and PW-6. It is further corroborated by the testimonies of the police witnesses who found the victims in an injured and distressed condition immediately after the incident, as well as by the recovery of rope and blanket from the spot pointed out by the victims, which were identified by PW-3. The conduct of the appellants acting in concert clearly establishes the existence of common intention under Section 34 IPC. The defence plea of false implication has remained unsubstantiated.

Having considered the material placed on record, this Court concurs with the findings of the trial court and finds no grounds to interfere with the same are made out. Consequently, the conviction of the appellant is upheld qua the offence under Section 365/392/394/34 IPC.

6. Learned counsel appearing for the appellants on instructions from the appellants jointly submit that the appellants, being fully aware of the consequences, do not wish to press the present appeal on merits. It is accordingly prayed that the appellants be released on the period already undergone by them in custody. It is further submitted that all the appellants except *Ramjan* have undergone more than half the sentences imposed upon them. It is further submitted that all the appellants undertake to deposit the fine, as directed by the trial court.

7. Learned APP for the State, has handed over status report indicating other involvements of the appellants. As per which all the appellants except *Chandan* are not found involved in any other case except the present case. *Chandan* has



one more involvement in FIR No.198/2017 registered under Sections 480/380 IPC at P.S. Swaroop Nagar in which he is on bail.

8. The nominal roll of the appellants have been placed on record which shows their jail conduct to be satisfactory.

9. The law regarding release of the appellant in cases where the convict has undergone more than half of the sentence was laid down by the Supreme Court in Sonadhar Vs. State of Chhattisgarh, reported as **2021 SCC OnLine SC 3683**, and the relevant portion of the same is extracted hereinunder:

““28. We thus issue the following directions:

a) A similar exercise be undertaken by the High Court Legal Services Committee of different High Courts so that convicts represented by legal aid Advocates do not suffer due to delay in hearing of the appeals. NALSA will circulate this order to the concerned authority and monitor the exercise to be carried on.

b) The Delhi High Court Legal Services Committee would take up the cases of those convicts who have undergone more than half the sentence in case of fixed term sentences and examine the feasibility of filing bail applications before the High Court, while in case of ‘life sentence’ cases, such an exercise may be undertaken where eight years of actual custody has been undergone.

c) We are of the view that in fixed term sentence cases, an endeavor be made, at least as a pilot project, in these two High Courts to get in touch with the convicts and find out whether they are willing to accept their infractions and agree to disposal of the appeals on the basis of sentence undergone.

d) A similar exercise can be undertaken even in respect of ‘life sentence’ cases where the sentenced persons are entitled to remission of the remaining sentence i.e., whether they would still like to contest the appeals or the remission of sentence would be acceptable to such of the convicts.”

10. The appellant-Ramjan is 28 years of age, partially handicapped and he has iron rods inserted in both his legs. He is working as an e-rickshaw driver and is the sole breadwinner of his family, comprising of his aged mother, wife and 4 children.



The appellant-*Chandan* is 27 years of age, working as a *beldar* and is the sole breadwinner of his family, comprising of his aged parents and wife.

The appellant-*Bablu@Habsi* is 37 years of age is the sole breadwinner of his family, comprising of his aged mother, wife and 3 children.

The appellant-*Manohar@Lambu* is about 40 years of age is the sole breadwinner of his family, comprising of wife and 4 children.

11. Keeping in view of the facts and circumstances noted hereinabove, the matter has been pending since 2016 as well as the decision in *Sonadhar* (Supra), the substantive sentence of the appellants in their respective appeals are hereby modified to the period already undergone by them.

The sentence on default of payment of fine alongwith the default sentence, however, is maintained. The appellants shall deposit the fine amount before the Trial Court within 6 weeks, failing which they shall undergo the default sentence. The appellants are directed to furnish a receipt with the concerned I.O.

12. Subject to deposit of fine amount, the personal bond furnished by the appellants stands cancelled and the sureties are discharged.

13. The present appeal is partly allowed and disposed of in the above terms.

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

MANOJ KUMAR OHRI, J

DECEMBER 17, 2025

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This is a digitally signed order.

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