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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.A. 569/2018 & CRL.M.A.6375/2019, CRL.M.A.31858/2019
ANUJ SAXENAAppellant

Through: Mr. Kanhaiya Singhal, Ms. Vani Singal, Mr. S. Singh, Mr. S. Tiwari, Ms. Anamika Shankar, Advs alongwith the appellant.

versus

THE STATERespondent
Through: Ms.Shubhi Gupta, APP for State with SI Rekha Chauhan, PS Pandav Nagar.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **26.11.2025**

1. Matter has been taken up today as 25.11.2025 was declared a holiday on account of 350th Anniversary of 'Guru Teg Bahadur's Martyrdom Day'.
2. By way of present appeal, the appellant seeks to assail the judgement dated 23.04.2018 and order on sentence dated 24.04.2018 passed by ASJ-02 (East), Karkardooma Courts, Delhi, in New SC No. 684/16 arising out of FIR No. 1081/2014 registered under Section 392/394/397/34 IPC at P.S. Pandav Nagar, Delhi.
3. Vide order on sentence, the appellant has been directed to undergo RI for a period of 5 years alongwith fine of Rs.2,000/- for the offence punishable under Section 394 IPC, in default thereof would further undergo SI for 1 month. The appellant has also been directed to pay compensation of Rs.5,000/- to the complainant. The benefit of Section 428 Cr.P.C. has been provided to the appellant.

Vide order dated 08.08.2019, the sentence of the appellant was



suspended during the pendency of the present appeal.

4. Briefly put, the case of the prosecution is that on 11.12.2014, upon receiving DD No. 33A, SI Vijay Kumar (I.O.) alongwith Ct. Mukesh reached near Sahyog Apartment, Mayur Vihar Phase-I, and learnt that the injured had already been taken by his brother to Jeevan Anmol Hospital. The I.O. reached the hospital and recorded the statement of the injured. The complainant stated that after work, he deboarded the metro at Mayur Vihar Metro Station around 6:30 PM and started walking towards his home. Around 6:40 PM, near Sahyog Apartment, two boys accosted him and demanded his wallet. On refusal, one boy pointed a knife at him and threatened to stab him. Out of fear, the complainant handed over his wallet, from which they took Rs.450 and his Metro Card, returning the wallet thereafter. They then demanded his mobile phone. When he refused, one of them stabbed him on his back and, in another attempt, caused an injury to the finger of his left hand. The complainant raised an alarm, gathering 5-7 public persons. At this point, the two boys caught hold of the complainant and falsely accused him of teasing their sister. On hearing that someone had called the police, they fled with the robbed money and Metro Card. The complainant called his brother, who took him to the hospital. The I.O. thereafter prepared the *rukka*, and the present FIR came to be registered.

5. In support of its case, the prosecution examined 11 witnesses. The complainant, *Pankaj Sharma*, examined as PW-3. His brother, who had taken him to the Hospital, was examined as PW-5. *Abhishek Singh*, the complainant in FIR No. 1082/14, was examined as PW-4. The doctor who medically examined the appellant and prepared the MLC was examined as



PW-2. The remaining witnesses were formal in nature and deposed with respect to various aspects of the investigation.

6. A perusal of the record indicates that the testimony of the complainant is cogent, consistent and inspires confidence, The appellant was identified by the complainant immediately at the police station as well as in Court. PW-2 confirmed the stab injury and the abrasion on the complainant's finger which corroborated the testimony of the complainant. In the case arising out of FIR No. 1082/14, registered in respect of another robbery, the amount robbed from the complainant in the present case, along with his metro card, was recovered from the appellant. PW-4 also testified that the appellant and the co-accused were apprehended by public persons during the said subsequent robbery, further corroborating their presence together and their possession of the stolen articles. The plea of alibi taken by the appellant remained unsubstantiated, as no material or witness was produced in support thereof. While it was the co-accused who used the knife, the appellant actively participated in the commission of the offence. In view of the above, the conviction of the appellant under Section 394/34IPC is upheld.

7 At this stage, learned counsel for the appellant, submits that the appellant, who is present in court, is remorseful and being fully aware of the consequences, does not wish to press the present appeal on merits. He accepts his guilt and prays that he be released on the period already undergone by him in custody. He further submits that in the present case, the appellant has been granted benefit under Section 427 Cr.P.C. vide order dated 19.11.2025.

8. Learned APP for the State has handed over a Status Report, which is taken on record. As per the report, the appellant has two other involvements.



In the case arising out of FIR No. 64/2023 under Sections 380/454/411/34 IPC at P.S. Kamla Market, Delhi, is pending trial and the appellant is on bail.

It is further noted that in the case arising out of FIR No. 1082/2014, the appellant had preferred CRL.A. 306/2018, which was disposed of vide order dated 11.09.2025, wherein he was released on the period already undergone.

9. Vide order dated 19.11.2025, the appellant in the present case was granted the benefit of Section 427 Cr.P.C. In this regard, a fresh nominal roll of the appellant dated 24.11.2025 has been handed over in Court and is taken on record. As per which, the appellant has undergone about 2 years and 7 months, including remission earned, and his conduct in jail has been noted as satisfactory.

10. 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."

11. Having regard to the fact that the incident pertains to the year 2014 and keeping in view of the facts and circumstances noted hereinabove as well as decision in Sonadhar (Supra), the substantive sentence of the appellant in the present appeal is hereby modified to the period already undergone by him. However, the sentence of payment of fine imposed by the Trial Court, the default sentence as well as the compensation payable to the victim, is maintained. The fine and the compensation shall be deposited within four weeks before the Trial Court, failing which the appellant will undergo the default sentence. The appellant shall furnish a receipt with the concerned I.O.

12. It is further directed that the compensation awarded to the victim shall be released forthwith.

13. The I.O. shall inform the victim of the orders passed today.

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

15. The present appeal is partly allowed and disposed of in the above terms. Pending applications shall also stand disposed of.

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

MANOJ KUMAR OHRI, J

NOVEMBER 26, 2025/dh