



2025:DHC:10162



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

% Date of Decision: 12.11.2025

+ **CRL.A. 946/2016**

KANIMA

.....Appellant

Through: Appellant in person

versus

STATE

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
with SI Pancham Kumar PS Sarai
Rohilla

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT (ORAL)

1. By way of present appeal, the appellant seeks to assail the judgment dated 12.05.2016 and order on sentence dated 20.05.2016 passed by ASJ-03(Central), Tis Hazari Courts, Delhi, in SC no. 126/2011 arising out of FIR no. 159/2010 registered under Sections 452/394/397/411/506/342/34 IPC at P.S. Sarai Rohilla, Delhi.

Vide order on sentence, the appellant has been directed to undergo RI for a period of 4 years alongwith fine of Rs. 10,000/- for the offence punishable under Section 452/120B IPC, in default thereof would further undergo SI for 3 months; for the offence punishable under Section 394/120B IPC was directed to undergo RI for 1 year alongwith fine of Rs. 10,000/-, in default thereof would further undergo SI for 3 months; for the offence punishable under Section 342/120B IPC was directed to undergo RI for 4



2025:DHC:10162



years; for the offence punishable under Section 506/120B IPC was directed to undergo RI for 1 year and for the offence punishable under Section 411 IPC was directed to undergo RI for 1 years. The benefit of Section 428 Cr.P.C. has been provided to the appellant.

Vide order dated 26.09.2017, the sentence of the appellant was suspended during the pendency of the present appeal.

2. Briefly put, the case of the prosecution is that vide DD No. 14-A dated 26.05.2010 at about 11:40 am, the police were informed about a theft, ASI Ram Phool reached the spot, alongwith a constable, On the first floor, he found the articles of the almirah lying scattered. He also found the complainant present there. He recorded the statement of the complainant *Monika*. In her statement, she stated that she was residing with her family, She stated that her brother-in-law had gone to his workplace, her mother-in-law and father-in-law had gone out of town and her husband had gone to his workplace at Noida. At the time of the incident, only she, her son, and the maid Kanima/appellant were present in the house. At about 11:00 AM, two boys aged about 28-30 years, of blackish complexion and stout build, who had covered their faces with handkerchiefs, entered the room on the first floor and stood behind her, asking where *Raju* was. She told them that *Raju* had gone outside. One of them asked whether *Raju* had gone to the hospital. The boys threatened that they would kill *Raju* and would not spare him. One of them then called someone on the phone and stated that *Raju* was not in the house and asked whether they should be killed. He then received instructions not to kill them but to bring the money. In the meantime, after hearing the noise, the appellant also came there. They threatened to kill her as well. They slapped her and separated her from the complainant. They



showed a knife-like weapon and threatened to kill the complainant's son unless valuables were handed over. Out of fear, she opened the almirah and took out jewellery and Rs. 10,000–12,000. They stated that they were not beggars and demanded more. They themselves took out more items from the iron almirah. The maid was confined in a room on the second floor. The assailants took four gold bangles, earrings, and other articles, and then locked the complainant in a room.

3. In support of its case, the prosecution examined 11 witnesses. The material witness was the complainant, examined as PW-1, and her husband, who was examined as PW-2. The remaining witnesses were formal in nature and deposed regarding various aspects of the investigation.

4. A perusal of the record indicates that the appellant, being the household maid, actively facilitated and conspired with co-accused to commit the robbery inside the complainant's house. The appellant was present throughout the incident, did not raise any alarm, and disappeared the very next day. She was apprehended just two days after the robbery at ISBT, Kashmere Gate, wearing the complainant's gold bangles and carrying a bag containing stolen silver utensils, jewellery, and cash, all of which were positively identified by the complainant. Her husband was also found wearing a stolen wristwatch, and the arrests of co-accused *Sonu* and *Ganga* followed at their instance, leading to further recovery of stolen articles. The appellant offered no explanation for her possession of the stolen property. The testimony of the complainant remained consistent and is corroborated by the recovery of the stolen property, and she correctly identified the appellant. Accordingly, the conviction of the appellant under sections 120/B452/394/342/506/411 IPC is upheld.



5. 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. She accepts her guilt and prays that she be released on the period already undergone by her in custody. She further prays that the fine imposed upon her be reduced as she belongs to poor strata of society.

6. Learned APP for the State, on instructions, submits that the appellant is not involved in any other case.

7. The nominal roll of the appellant dated 06.10.2025 is on record, which reflects that she has undergone 2 years, including remission earned, and her conduct in jail has been noted as satisfactory.

8. 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.”

9. The appellant is about 45 years old, is a widow, and has the responsibility of three children, two daughters and one son, and she is unemployed.

10. Having regard to the fact that the incident pertains to the year 2010, 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. The sentence on default of payment of fine, however, is maintained, subject to payment of fine as modified hereinbelow.

11. Considering their modest means and the totality of circumstances, the fine imposed upon the appellant is reduced to Rs.500/- for the offence punishable under Section 452/120B IPC, and in default of payment, she shall further undergo SI for 1 day. Likewise, the fine for the offence punishable under Section 394/120B IPC is reduced to Rs.500/-, and in default thereof she shall further undergo SI for 1 day. The fine 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. Subject to deposit of fine amount, the personal bond furnished by the appellant 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



2025:DHC:10162



Superintendent as well as to the Trial Court.

**MANOJ KUMAR OHRI
(JUDGE)**

NOVEMBER 12, 2025*/sn*