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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 987/2016**
ISPREET SINGH @ HONEYAppellant
Through: Ms.Babita Ahlawat and Ms. Shivangi
Deol, Advocates

versus

STATE (NCT OF DELHI)Respondent
Through: Ms.Shubhi Gupta, APP for State

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
30.07.2025

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1. The appellant, through the present appeal filed under Section 374 Cr.P.C. impugns the judgment on conviction dated 24.09.2016 and order on sentence dated 29.09.2016 in SC No.191/2013 arising out of FIR No. 186/2013 registered under Sections 392/394/397/34 IPC at P.S. Rani Bagh, Delhi. On conclusion of the investigation, the chargesheet came to be filed on 392/394/397/411/414/34 IPC.

Vide order on sentence, the appellant was convicted for the offence punishable under Section 411 IPC and awarded rigorous imprisonment for a period of one year and six months with fine ₹1,00,000/-, in default of payment of fine, he was further sentenced to undergo simple imprisonment for a period of 02 months. The benefit of Section 428 CrPC was provided to the appellant.

2. Wheels of the investigation were put in motion on receipt of a complaint from Anuj Sehdev (the complainant/PW10), wherein it was stated that on 05.06.2013, when the complainant was robbed off his 2 mobile



phones and one purse containing Rs.4000, debit cards, credit cards, driving license and RC of the said car at the instance of co-accused persons, namely, *Aryan @ Maxi, Vicky @ Vikas @ Ganja and Neeraj @ Rahul*.

Pertinently, during the course of investigation, while tracking one of the stolen phones, the role of the appellant was revealed by PW14, *Sanjeev Malhotra*, who stated that the appellant offered him to purchase the robbed mobile phone (model apple of white colour) and further proceeded to sell the same for consideration along with warranty-cum-visiting card. In pursuance thereto, the appellant was arrested on 22.06.2013 and Rs.27,000/- were recovered at his instance, as part of the sale consideration of the aforesaid robbed mobile phone.

3. Post completion of the investigation, charges for the offence under Sections 411/414 IPC were framed against the appellant. The appellant pleaded not guilty and claimed trial. In total, the prosecution has examined total 30 witnesses, out of which PW-10 is the complainant, PW-13 and PW-15, public witnesses who deposed on similar lines with the complainant. Rest of the witnesses were public witnesses, police witnesses, medical and forensic witnesses who deposed about various aspects of the investigation. Statement of the appellant was recorded under section 313 Cr.P.C wherein he denied the prosecution's case and claimed innocence and false implication. They, however, did not examine any defence witness.

5. Notably, a perusal of the impugned judgment and the record available shows that the appellant was not present at the scene of crime, rather, he purchased the said robbed mobile phone from co-accused *Aryan @ Maxi* even after having due knowledge that it was the stolen phone and further proceeded to sell the same to PW-14, *Sanjeev Malhotra* for consideration



and further issued the warranty-cum-visiting card (Ex.PW11/B-1). The factum of selling the robbed mobile phone is further substantiated by the testimony of PW-27, HC Narender, who recorded the disclosure statement of the appellant (Ex.PW 27/C) and further recovered Rs. 27,000/- as part of the sale consideration of the mobile phone at the instance of the appellant. Further, the warranty-cum-visiting card (Ex.PW11/B-1) bears the phone number, 8826973799, which was found to be in the name of PW-16, *Mrs Anita Smuel*, who deposed that her son was using the said phone number. PW17, *Nikhil Gupta* (son of PW-16) was examined, who stated in his testimony before the court that the appellant stays near his place of residence and he only knows the appellant as such. He stated that one day, while going to Gurudwara Krishna Park, he dropped his phone bearing the SIM in question, and the appellant picked up the same and refused to return. Since thereafter, the said mobile phone number has been used by the appellant.

Pertinently, in his defence, the appellant miserably failed to justify the usage of the phone number and the appellant did not examine any witness to falsify the testimony of the prosecution witnesses and further failed to provide any cogent explanation to the incriminating circumstances appearing against him.

5. Learned counsel for the appellant, on instructions, states that, he does not wish to press the present appeal on merits, however, prays that the sentence awarded to him be modified to the period already undergone by him.

6. *Per Contra*, learned APP for the State submits that the appellant was awarded rigorous imprisonment for a period of one year and six months, however, the appellant was enlarged on during the trial and his sentence was



thereafter suspended during the pendency of the appeal vide order dated 20.02.2017. On instructions, it is informed that the appellant is not involved in any other case.

7. It is noted that, as per the Nominal Roll dated 28.07.2025, period undergone by the appellant is 17 days (as on 10.07.2013). Furthermore, a fine of Rs.10,000/- as imposed by the trial court has also been deposited vide receipt no.592981, on 29.09.2016. The nominal roll also does not indicate any other involvement of the appellant herein. The appellant has faced trial and present proceedings since last 12 years. He is stated to be sole bread earner for his family.

8. Considering the aforesaid, the appellant's conviction is upheld, and his sentence is modified to the period already undergone.

9. The appeal is disposed of in the above terms.

10. A copy of this order be communicated to the concerned Jail Superintendent as well the trial court.

MANOJ KUMAR OHRI, J

JULY 30, 2025/rj