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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 974/2018**
HARISH SINGH BISHTAppellant
Through: **Mr. K.S. Negi, Advocate.**

versus

NCT OF DELHIRespondent
Through: **Ms. Shubhi Gupta, APP for State**
with Ms. Yusra, Advocate with SI
Nisha PS Vasant Vihar, New Delhi.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
11.12.2025

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1. By way of the present appeal under Section 374 Cr.P.C., the appellant Harish Singh Bisht, seeks to assail the judgment of conviction dated 14.08.2018 and the order on sentence dated 24.08.2018, passed by the learned Additional Sessions Judge-02, South District, Saket Courts, New Delhi, in Sessions Case No. 7367/16, arising out of FIR No. 208/2011, registered at Police Station Vasant Vihar, whereby the appellant was convicted for the offence punishable under Section 392 read with Section 34 IPC.
2. Vide the impugned order on sentence, the appellant was sentenced to undergo Rigorous Imprisonment for a period of two years and to pay a fine of Rs.3,000/-, and in default of payment of fine, to undergo Simple Imprisonment for one month. The benefit of Section 428 Cr.P.C. was extended to the appellant. The record reflects that the fine amount stands deposited.



3. The sentence of the appellant was thereafter suspended vide order dated 25.09.2018.
4. Briefly stated, the case of the prosecution was that on 14.07.2011, at about 8:00 PM, the complainant, Professor *S.N. Ramamani*, while returning home, was allegedly accosted near the Munirka bus stand. It was alleged that one of the assailants forcibly snatched her gold *mangalsutra* and chain, causing her to fall and sustain injuries, while the co-accused was positioned nearby on a motorcycle to facilitate their escape.
5. Upon the complainant raising an alarm, public persons gathered at the spot. One of the accused, namely *Raj Kumar Mukherjee*, who was allegedly riding the motorcycle, was apprehended at the spot by members of the public and later handed over to the police. The prosecution case further alleged that the appellant *Harish Singh Bisht* managed to flee from the spot after allegedly brandishing a knife to deter the public from apprehending him.
6. During the course of investigation, on the basis of disclosures allegedly made by the apprehended co-accused, the appellant *Harish Singh Bisht* was arrested from his residence. The prosecution claimed recovery of the robbed *mangalsutra* and a knife from his possession.
7. During trial, the prosecution examined 19 witnesses, including the complainant examined as PW1, alleged eye-witnesses including PW5 who stated that he noticed someone snatch the chain from the neck of the complainant and PW17 who stated he was present with PW5 and he caught hold of the person who was trying to get on the motorcycle. Further there were police officials and formal witnesses associated with the arrest, recovery, and investigation.



8. The appellant, in his statement under Section 313 Cr.P.C., denied the allegations levelled against him and claimed false implication. He did not lead any defence evidence.

9. Upon appreciation of the evidence on record, the learned Trial Court held that the prosecution had proved the commission of robbery by the appellant along with the co-accused in furtherance of their common intention. The Trial Court accordingly convicted the appellant only under Section 392/34 IPC.

10. On a perusal of the record, this Court finds no perversity or infirmity in the reasoning adopted by the learned Trial Court insofar as the conviction of the appellant under Section 392/34 IPC is concerned. The conviction is, accordingly, upheld.

11. Learned counsel submits, on instructions from the appellant, that the appellant does not wish to press the present appeal on merits and confines his prayer to modification of the substantive sentence to the period already undergone. He submits that the appellant is 37 years old, works in a restaurant, he has his old age parents and brother to look after. Learned counsel further submits the appellant has no present pending cases against him.

12. Learned APP for the state has handed over the status report indicating no other present involvements of the appellant, which is taken on record. There were involvements prior to the incident but no new involvements as per the report.

13. As per the nominal roll on record, the appellant has undergone a total custody period of about 1 year and 2 months of sentence. The nominal roll



records that the fine amount stands paid, there is no other pending case, and the appellant's overall jail conduct is satisfactory.

14. The law with regard to 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 v. State of Chhattisgarh¹ the relevant portion of the same is extracted hereinunder:

'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 endeavour 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.

Our aforesaid additional directions are based on a premise that at times if a convict has actually done of what he is accused of and he is remorseful, he may be willing to accept his acts and suffer a lesser sentence. We make it clear that the objective is not to compel or extract acceptance from such convicts depriving of the right of appeal.'



15. Having regard to the period of incarceration already undergone, the conduct of the appellant, and the fact that the fine stands deposited, the mitigating circumstances with respect to him being the sole breadwinner looking after his old age parents and younger brother, this Court is of the view that the ends of justice would be adequately met by modifying the sentence to the period already undergone.

16. Consequently, while maintaining the conviction of the appellant *Harish Singh Bisht* under Section 392/34 IPC, the substantive sentence imposed vide order dated 24.08.2018 is modified to the period already undergone. The sentence of fine imposed by the Trial Court shall remain undisturbed.

17. The appeal is partly allowed in the above terms and stands disposed of.

18. The bail bonds furnished by the appellant stand cancelled and his sureties are discharged.

19. A copy of this judgment be forwarded to the learned Trial Court and the Superintendent of the concerned Jail for information and necessary compliance.

MANOJ KUMAR OHRI, J

DECEMBER 11, 2025/kb

¹ decided on 06.10.2021, in SLP (CRL)No. 529/2021