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

+ CRL.A. 758/2017

CHANDER SHEKHAR

.....Appellant

Through: Mr. Dinesh Kumar Sharma, Mr. Manish Malik, Mr. Ashish Balyan, Mr. Mayank Sharma, Mr. Shubham Mishra, Mr. Vikas Saini, Mr. Mahesh Chand Gupta, Mr. Kawalpreet Singh, Mr. Jai Subhash Thakur, Mr. Dinesh Kumar Madesiya, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

23.07.2025

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1. The present appeal has been instituted under Section 374 Cr.P.C. against the impugned judgment of conviction dated 09.06.2017 and order on sentence dated 04.07.2017 passed by the Ld. Addl. Sessions Judge, Fast Track Court, North-West District, Rohini, Delhi in the case arising out of FIR No. 05/2013 registered under Sections 328/379/392/394/411/120-B/34 IPC at P.S. Rithala Metro.

Vide the aforesaid judgment and order on sentence, the appellant was convicted for the offence punishable under Section 411 IPC, and sentenced to undergo simple imprisonment for a period of one year and to a fine of Rs. 10,000/-. In default of payment of fine, he was further directed to undergo simple imprisonment for two months. Benefit of Section 428 Cr.P.C. was given to the appellant.



2. Pithily put, the prosecution's case is that the appellant knowingly purchased stolen jewellery articles from the co-accused persons, who, after drugging the complainant, had robbed her of jewellery articles and other valuables.

During investigation, it emerged from the disclosure statements of accused nos. 3, 4, and 5 that certain stolen jewellery items of the complainant, which had not been recovered from them, were sold to the appellant herein. On 19.03.2013, SI *Sharat Kohli* and PW5 ASI *Rajesh Kumar* apprehended the appellant and from whose possession two gold rings and a pair of ear tops were recovered. PW5 ASI *Rajesh Kumar* also testified regarding this recovery and proved the seizure memo (Ex. PW5/B). His testimony remained unrebutted and uncontroverted. Moreover, the complainant also identified the recovered jewellery during judicial TIP proceedings. The possession and recovery of robbed jewellery articles from the appellant thus stood proved. The Trial Court also concluded that, although the appellant was not part of the group that committed the robbery, he had knowingly purchased the complainant's stolen jewellery from his co-accused persons, thereby attracting liability for the offence punishable under Section 411 IPC.

3. The appellant has joined the proceedings through VC and has been identified by his counsel as well as by the concerned I.O. At this stage, learned counsel for the appellant, on instructions, states that the appellant does not wish to challenge his conviction under the aforesaid section; however, he prays that the sentence awarded to him be modified to the period already undergone by him.

4. Even otherwise, this Court, based on the material produced and



keeping in mind the facts and circumstances, concurs with the findings of the Trial Court and finds that no grounds to interfere with the same are made out. Consequently, the conviction of appellant is upheld qua the offence under Section 411 IPC.

5. It is stated that the appellant is an elderly man of about fifty years of age. The offence in question pertains to the year 2013. The latest nominal roll on record, dated 04.02.2025, indicates that appellant has served 3 months and 9 days of incarceration, with satisfactory jail conduct. The learned APP states on instructions that not only was the appellant's conduct at the time of incarceration satisfactory, but he has thereafter also maintained good social and moral standing and has not been involved in any other cases.

6. Pertinently, the appeals of co-convicts came for consideration before this Court and vide order dated 22.07.2025 passed in CRL.A. 760/2017 and CRL.A. 765/2017, their convictions were upheld and respective sentences were modified to the period already undergone by them.

7. Keeping in view the aforesaid, the sentence of appellant is modified to the period already undergone. His bail bonds are cancelled and surety is discharged.

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

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

MANOJ KUMAR OHRI, J

JULY 23, 2025/nb