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

\+ CRL.A. 787/2017

RAJAT KHANNA .....Appellant

Through: Mr. K.K. Sharma, Adv. (through VC)

versus

STATE (NCT OF DELHI) .....Respondent

Through: Ms. Shubhi Gupta, APP for State with Inspector Jasveer Singh, PS EOW

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

<u>O R D E R</u>

% **30.10.2025**

1. By way of present appeal, the appellant seeks to assail the judgement dated 11.07.2017 and order on sentence dated 27.04.2024 passed by Special Judge (PC Act), Tis Hazari Court, Delhi, in Crl. Appeal no. 47/17 in FIR no. 74/2004 registered under Sections 420/120B IPC at P.S. Rajender Nagar (Crime).

Vide the order on sentence, the appellant has been directed to undergo RI for a period of 3 years alongwith fine of Rs. 50,000/- for the offence punishable under Section 420/120B IPC, in default thereof would further undergo SI for 3 months. The benefit of Section 428 CrPC has been provided to the appellant.

Vide order dated 10.008.2017, the sentence of the appellant was suspended during the pendency of the present appeal.

2. Briefly put, the complaint lodged by silk fabric suppliers *G.L. Soni* (PW-1) and *Subhash Bansal* (PW-2) reveals that the appellant and his

associate, *Ravi Kapoor*, posing as exporters of silk fabric, induced the complainants to supply silk fabrics to them under the pretext of running an export business in the name and style of *Shree Balaji Agency*. The appellant and his associate initially made payments in cash against the supplied goods. However, once trust was established, they stopped making any payment. When the complainants approached their office, it was found closed, even during their transactions the appellant and his associate used multiple phone numbers. Subsequently, the complainants came to know that the accused and his associate had similarly cheated other silk traders, namely *Binod Kumar* (PW-3), *Sandeep Sabharwal* (PW-4), and *Vikram Kumar* (PW-7), causing loss of several lakhs of rupees to them and they were using fake names of *Vishal Kapoor* and *Ravi Kapoor* whereas their actual names were *Rajat Khanna* and *Sachin Duggal* respectively.

3. A perusal of the record indicates that the appellant introduced himself under false names and claimed to be an exporter of silk fabric operating under the name *Shree Balaji Agency*, however, no export license or bank account in that name existed. He had set up a fictitious business and taken a rented office under an assumed name, and subsequently disappeared without making payments, which clearly shows malafide intention of the appellant. It also stands proved that the appellant had obtained 6 mobile connections using forged documents and false identities, which further proves that the appellant had practiced deception and had dishonest intention since the very beginning. PW-1 to PW-4 and PW-7 testified to the same effect and were found to be cogent, credible, and trustworthy, and they correctly identified the appellant as the person who had deceived them and causing them losses of several lakhs of rupees. The explanation offered by the appellant

regarding business failure was false and unsubstantiated, the appellant acted with a dishonest intention to cheat, and it was not a case of mere inability to pay. The appellate court rightly set aside the judgement of acquittal and convicted the appellant. Consequently, the conviction of the appellant for the offence punishable under Sections 420/120B IPC is upheld.

4. At this stage, learned counsel appearing for the appellant submits that the appellant, who is present through VC, 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 the fine imposed upon him has been paid on 13.07.2017 and the receipt no. 000711876 is placed on record. He states that as per the order of sentence, it was noted that the period undergone was about than 1 year 10 months.

5. Learned APP for the State has handed over the nominal roll of the appellant, which is taken on record, it reflects that the appellant has other involvements.

6. Learned counsel for the appellant, on instructions, submits that the aforementioned involvements of the appellant have either been acquitted or the offence has been compounded. It is further submitted that as per the proceedings of the appellate court, the appellant has settled the matter with 5 of the victims, however, the 6th victim, namely, *Subhash Bansal*, is stated to be untraceable, due to which the offence could not be compounded.

7. The appellant is stated to be that he is 48 years of age and is stated to the sole breadwinner of his family consisting of his wife and one child.

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 3682**, 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 nominal roll of the appellant dated 29.10.2025 records that the appellant has undergone about 1 year 8 months of sentence and his conduct in jail has been reported as satisfactory.

10. Having regard to the fact that the incident pertains to the year 2004, 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.

11. The personal bond furnished by the appellant stands cancelled and the sureties are discharged.

12. The present appeal is partly allowed and disposed of in the above terms.

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

MANOJ KUMAR OHRI, J

OCTOBER 30, 2025

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