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

+ CRL.A. 1051/2018

MOHD. CHAND

.....Appellant

Through: In person

versus

STATE

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State with
SI Sachin, PS Mundka

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

% **19.12.2025**

1. By way of the present appeal the appellant seeks to assail the judgement of conviction dated 20.08.2018 and order on sentence dated 21.08.2018 passed by the learned ASJ-03(West), Tis Hazari Courts, Delhi in Sessions Case No. 57477/2016, arising out of FIR No. 266/2014 registered under Section 392/397/411/34 IPC at P.S. Mundka, Delhi. By the impugned judgment, the appellant was held guilty for the offences punishable under Sections 392/34 IPC.

2. Vide the order on sentence, the appellant was sentenced to RI for a period of 2 years alongwith fine of Rs.1,000/- for the offence punishable under Section 392/34 IPC. The appellant was granted benefit of Section 428 Cr.P.C.

During the pendency of the appeal, the sentence imposed upon the appellant was suspended vide order dated 28.01.2019.



3. Briefly put, the case of the prosecution is that the complainant was working in the agricultural field of Satish Kumar alongwith his friends *Sharda*, *Deshraj* and *Arun*. On 05.06.2014, at about 11:00AM, four boys came to the field and demanded that they hand over all the money in their possession. Upon their refusal, the said boys allegedly beat them and one of them threatened to kill them with a knife. It is further alleged that the accused persons snatched Rs.40/- from the complainant, Rs.300/- from *Sharda*, Rs.200/- from *Deshraj* and Rs.200/- from *Arun*. Thereafter, some persons gathered at the spot and apprehended three of the accused, namely *Prem*, *Puneet* and *Mohd. Chand*, while one accused, *Kishan*, managed to flee from the spot. The police thereafter registered the case on the basis of the statement of the complainant.

4. In support of its case, the prosecution examined 10 witnesses, including the complainant/victim, *Ramesh Kumar*, who was examined as PW-2. Satish Kumar is the employer and owner of the fields where the victims were working, was examined as PW-3. *Arun*, *Desh* and *Raj Sharda* are the other victims, was examined as PW-5, PW-6 and PW-7 respectively. The rest of the witnesses were formal in nature and deposed as to various aspects of the investigation.

The appellant was examined under Section 313 Cr.P.C., wherein he denied all incriminating circumstances and claimed false implication. He did not lead any defence evidence.

5. A perusal of the record indicates that the testimonies of the complainant and the injured witnesses are cogent, consistent and inspire confidence. PW-2 has correctly identified the appellant before the Court. The version of PW-2



stands duly corroborated by the testimonies of other injured eyewitnesses, namely PW-5, PW-6 and PW-7, who have consistently deposed on similar lines regarding the role played by the appellant in the commission of the robbery. The testimony of PW-3, the owner of the agricultural field, further lends assurance to the prosecution case. It is further noted that the appellant was apprehended at the spot itself and, as deposed by the police witnesses PW-4 and PW-10, a sum of Rs.200/- was recovered from his possession during search, which was duly identified by the victims as part of the robbed amount.

Having considered the material placed on record in its entirety, this Court finds that the prosecution has proved the guilt of the appellant beyond reasonable doubt and concurs with the findings returned by the Trial Court. Consequently, the conviction of the appellant is upheld qua the offence under Section 392/34 IPC.

6. The appellant is present in person and is duly identified by the I.O., submits that being fully aware of the consequences and having undergone about one year of sentence, he does not wish to press the present appeal on merits. He prays that he be released on the period already undergone by him in custody.

7. Learned APP for the State has handed over a Status Report which is taken on record, as per which it is noted that the appellant has no other involvements.

8. The nominal roll of the appellant has also been handed over in Court and is taken on record. As per the said nominal roll, the conduct of the appellant has been noted as satisfactory and the fine amount imposed upon the appellant



stands paid.

9. The appellant is 37 years of age and is the sole breadwinner of his family. He is working as a *beldar* and bears the responsibility of maintaining his family, which comprises of his grandmother, father, wife and one minor child. It is further noted that the matter has been pending since the year 2014 and the appellant has remained on bail.

10. Keeping in view the facts and circumstances noted hereinabove and the mitigating factors as well as the fine already stands paid, this Court finds it appropriate to modify the substantive sentence awarded to the appellant 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

DECEMBER 19, 2025

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