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

+ **CRL.L.P. 743/2018**
STATE

.....Petitioner

Through: Mr. Sunil Kumar Gautam,
APP for the State
SI Maya Shankar

versus

MOHD. ASHRAF

.....Respondent

Through:

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER
13.08.2025

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CRL.L.P. 743/2018

1. The present petition is filed seeking leave to appeal against the judgment dated 28.07.2018, passed by the learned Additional Sessions Judge, Karkardooma Courts, Delhi in Sessions Case No. 598/2017.
2. The respondent was acquitted for offence under Section 397 of the Indian Penal Code, 1860 ('**IPC**') by the learned Trial Court, holding that the prosecution has not been able to establish that the knife used by the respondent for committing the robbery was, in fact, a deadly weapon within the meaning of Section 397, IPC.
3. The learned Additional Public Prosecutor for the State submits that the learned Trial Court erroneously relied upon the judgment in the case of **Syed Rashid v. State : 2013 CRL(NOC) 374 (Bombay)**. He submits that in the said case, the weapon was not recovered.



4. He submits that the learned Trial Court also in Paragraph No. 25, erroneously noted that the knife which was used at the time of commission of offence was not recovered.
5. The matter requires consideration.
6. In view of the above, the leave to appeal is granted and the appeal be numbered as Criminal Appeal/2025 (to be numbered).
7. The present petition is disposed of in the aforesaid terms.
Criminal Appeal/2025 (to be numbered)
8. None appears for the respondent.
9. Issue fresh notice to the respondent through all permissible modes.
10. List on 06.11.2025.

AMIT MAHAJAN, J

AUGUST 13, 2025
“SS”