



2025:DHC:12042



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

% **Date of Decision: 24.12.2025**

+ **CRL.A. 1162/2018**

SATENDER SINGH

.....Appellant

Through: Mr. S.K. Rai, Ms. Shipra Kumar and
Ms. Rupam Kumari, Advocates with
appellant through VC

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
with SI Hitesh Bhardwaj PS Crime
Branch, Prashant Vihar, Delhi.

+ **CRL.A. 1169/2018**

BIPIN PANDEY

.....Appellant

Through: Mr. S.K. Rai, Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
with SI Hitesh Bhardwaj PS Crime
Branch, Prashant Vihar, Delhi.

+ **CRL.A. 1170/2018**

PARMA SHAH

.....Appellant

Through: Mr. S.K. Rai, Advocate

versus



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STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
with SI Hitesh Bhardwaj PS Crime
Branch, Prashant Vihar, Delhi.

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CRL.A. 1176/2018

ARJUN SHARMA

.....Appellant

Through: Mr. S.K. Rai, Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
with SI Hitesh Bhardwaj PS Crime
Branch, Prashant Vihar, Delhi.

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CRL.A. 1177/2018

NAGINA PRASAD

.....Appellant

Through: Mr. S.K. Rai, Advocate

versus

STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
with SI Hitesh Bhardwaj PS Crime
Branch, Prashant Vihar, Delhi.

CORAM:**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI****JUDGMENT (ORAL)**

1. The appellants have preferred the present appeals impugning the common judgment dated 22.10.2018 and order on sentence dated



26.10.2018. Vide the aforesaid, the appellants stand convicted for the offence punishable under Section 489C IPC sentenced to undergo rigorous imprisonment for 02 years (each) and to pay fine of Rs.2,000/- (each). In default of fine, the appellants were further sentenced to undergo rigorous imprisonment for 01 month (each). All the convicts were granted benefit of Section 428 Cr.P.C.

2. The case of the prosecution as noted by the trial court is as under:

“That on 11.03.2013 at about 10 am one information was received to ASI Yash Pal who was present in the office of Special Team, Crime Branch, Prashant Vihar, Delhi that two persons hailing from Bettiah, Bihar are indulged in supplying of fake Indian currency notes and are coming to Delhi for supplying the same and at about 12:30 pm, they will come near Metro Gate no.1, Ajmere Gate side to supply the fake currency and will return to Bihar and if raid is conducted, they can be apprehended with fake currency. This information was shared with Inspector Anand and later on, in discussion with AGP (Special Team), a team led by ASI Yashpal comprising HC Shailender Singh, HC Shiv Kumar, Ct. Praveen, Ct. Anand Pal and Ct. Bavinder was constituted and two private cars were arranged. The team departed and reached near Metro Gate no.1, Ajmere Gate Side. At about; 12:30 pm, two persons were noticed. They were apprehended and upon inquiry, their name was disclosed as Arjun Sharma and Parma Shah. Arjun was found carrying two bundles of notes of Rs.1000/- which were 199 in total. Three bundles of notes in denomination of Rs.500 were also recovered from Parma Shah which were 302 in number. These notes were found to be fake. FIR was registered and investigation was conducted. Accused Arjun Sharma made a disclosure statement alleging that Nagina Prasad was the main supplier. Accused Satender Singh was also apprehended on 13.03.2013 and fake currency in denomination of Rs.500/- was also found from his possession. Thereafter, another raiding team was constituted and accused Nagina Prasad and Bipin Pandey were apprehended on 14.03.2013 and from their possession fake currency in the denomination of Rs.1000/- having worth of Rs.35,000/- and Rs.25,000/- was recovered.”



3. On completion of investigation, charge sheet was filed and charges were framed to which the appellants prayed not guilty and prayed for trial.

4. The prosecution has examined a total of 9 witnesses. ASI Yashpal Singh, examined as PW-1, stated that on 11.03.2013 at about 10:30 AM, he received a secret information that two persons would come from District Betia, Bihar alongwith fake currency with intent to circulate the same. Acting upon the said information, a raiding party was formed comprising of HC Shailender, HC Sunil, Ct. Anand Pal, Ct. Ravinder and Ct. Praveen Kumar. PW-1, alongwith raiding party and secret informer, proceeded in two separate vehicles and at about 10:30AM, they reached at Ajmeri Gate from the side of New Delhi Railway Station. Two accused persons, namely, Arjun Sharma and Parma Shah were apprehended. Upon search of Arjun Sharma, a bag was recovered containing fake currency notes and upon checking, they were found to be 199 notes in denomination of Rs.1000/-, which upon examination were found to be fake. Further, from the search of Parma Shah, three bundles of Rs.500/- denomination were recovered from his pants. These notes were counted and found to be 302 in number and they all appeared to be fake.

5. The investigation was thereafter handed over to SI Prabhanshu. The other member of raiding team, viz, ASI Shailender Singh, examined as PW-5. Ct. Ravinder who was examined as PW-8 deposed on similar lines as PW-5. ASI Baljeet, examined as PW-6, deposed about the arrest of accused Satinder who was arrested at the instance of accused Arjun Sharma and Parma Shah. Upon search of Satender, 40 currency notes in the denomination of Rs.100/- were recovered from the pocket of his pant. The



witness alongwith other police officials went to Betia, Bihar in search of the remaining accused persons. On 13.02.2025, accused Bipin Pandey and Nagina Prasad were apprehended. From the possession of Bipin Pandey 25 currency notes in the denomination of Rs.1000/-and from Nagina Prasad, 35 currency notes in the denomination of Rs.1000/- were found. SI Prabhanshu, the second ASI of the case was examined as PW-7. While PW-1 arrested Arjun Sharma and Parma Shah, remaining accused persons were arrested by PW-7. Prosecution had claimed that all the accused persons were in constant touch. The prosecution had further examined one, *Vishal Gaurav*, nodal officer, Bharti Airtel as PW-9, who produced the mobile phone record as well as customer application form of all the appellants.

6. The report regarding seized currency notes being fake was placed on record, which was not even disputed by the accused persons. The accused persons though had denied the prosecution case and examined 6 defence witnessed in support of their case. Bipin Pandey examined himself as DW-3. Notably, DW-5 & 6 rather supported the prosecution's case.

7. In the light of the evidence came on record, this court finds no ground to interfere with the conclusion arrived by the trial court.

8. At this stage, learned counsel for the appellants, on instructions, states that the appellants do not wish to press their appeals on merits and pray that they be released on the period of sentence already undergone by them. In support of the above, it is stated that the appellants are not involved in any other case.

9. The appellant-Satender Singh has also appeared through VC and identified by the IO. He also makes the prayer of not pressing appeal on



merits and be considered for release for the period already undergone. He states that the fine has already been paid and a receipt thereof has also been placed on record.

10. Learned counsel for all remaining appellants submit that the appellants have deposited the fine and the receipts thereof have already been placed on record.

11. Learned APP on instructions submits that the appellants are not involved in any other case and in this regard status report has been handed over, which is taken on record.

12. As per the nominal roll on record, the appellants have undergone substantial period of custody i.e., more than half of the sentence imposed. The nominal roll also indicates that the appellants have also no other pending cases and jail conduct remains satisfactory.

13. 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 3683**, 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."

14. Appellant-Satender Singh is stated to be 42 years old having a wife and two school going children,. He also has a widowed mother suffering from cancer. He is stated to be the sole bread-earner of his family.

15. Appellant-Bipin Pandey is stated to be aged about 53 years having responsibility of his wife and three children and old-aged widowed mother, all dependent upon him. He is stated to be suffering from high sugar and blood pressure. He belongs to a poor strata of the society.

16. Appellant-Parma Shah is aged about 44 years, who is having responsibility of his wife and five children, who are studying and is stated to be earning his livelihood and belonging to a poor strata of the society.

17. Appellant-Arjun Sharma is stated to be aged about 49 years and has the responsibility of his wife and five children. He has a 65 year old mother, who is dependent upon him. He is also stated to be the sole bread earner for his family.

18. Appellant-Nagina Prasad, is 44 years old, having a wife and four school going children as well as old aged widowed mother, who are dependent upon him.

19. Having regard to the nature of offence and the period of incarceration already undergone, the fine amount already paid and the mitigating circumstances noted hereinabove, this court is of the considered view that



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the end of justice would be met by modifying the substantive sentence into the period of sentence already gone.

20. Consequently, while affirming the conviction, the substantive sentence imposed vide order on sentence dated 26.10.2018 is modified to the period of sentence already undergone.

21. The appeals are disposed of in the aforesaid terms.

22. The bail bonds furnished on behalf of the appellants shall stand cancelled, and the sureties shall stand discharged accordingly.

23. A copy of this judgment be communicated to the concerned Trial Court and the Jail Superintendent for information and compliance.

MANOJ KUMAR OHRI
(JUDGE)

DECEMBER 24, 2025

pmc