

State	Versus	1. Amarjeet son of Rajesh, resident of village Garhsarnai, Police Station Sector 13-17, Panipat.
		2. Raju Sharma son of Mahabir Sharma, resident of village Palheri, Police Station Sector 13-17, Panipat.
		3. Sandeep son of Mahipal, resident of village Palheri, Police Station Sector 13-17, Panipat.

FIR No.443 dated 10.12.2023.

P.S. : Sector 13-17, Panipat.

Present when Argued:

Accused Amarjeet on bail, with counsel Shri Narender Kundu, Advocate.

Accused Raju Sharma on bail, with counsel Shri Krishan Dutt Sharma, Advocate.

Accused Sandeep on bail, with counsel Shri Virender Malik, Advocate.

JUDGMENT:-

The SHO Police Station, Sector 13-17, District Panipat sent the above named accused persons to face trial for the commission of offences punishable under Section 379-A IPC.

2. As per the prosecution case, on 10.12.2023, Sub Inspector Ram Kumar received a complaint moved by Lalan Kumar son of Bhola Majhi alleging therein that on 09.12.2023, at about 4.00 pm, he was going towards brick kiln from village Khotpura and when he reached near the fish pond, he was talking on his mobile phone, in the meantime, three youths came on a motor-cycle and after snatching his mobile phone of blue colour having SIM No.7635006325, escaped with the same. He noted the registration number of the motor-cycle and the same was HR-60D-8724. He prayed for taking legal action against the unknown youths and got recovered his mobile phone.

2.1 On the basis of the said complaint, a formal FIR was registered. Investigation was set into motion, which was carried out by SI Ram Kumar. The Investigating Officer inspected the spot and prepared the rough site plan. On the same day i.e. on 10.12.2023, on the basis of secret information, accused Amarjeet, Sandeep and Raju Sharma along with motor-cycle bearing registration No.HR-60D-8724 were apprehended and subsequently, accused were arrested. During interrogation, accused suffered disclosure statements admitting their involvement in the subject crime and in pursuance of the same, accused Amarjeet got recovered the snatched mobile phone and accused Sandeep got recovered one blue coloured motor-cycle, allegedly

used in the subject crime and the same were taken into police possession. All the three accused also demarcated the place of occurrence. Accused Sandeep and Raju Sharma also got recovered one mobile phone make Samsung and one mobile phone make VIVO respectively and the same were taken into police possession under Section 102 of Cr.P.C. On completion of investigation, challan against accused Amarjeet, Sandeep and Raju Sharma was prepared under Section 173 Cr.P.C. for the commission of offences punishable under Section 379-A IPC for trial.

3. After supplying complete copies of the challan to the accused, the case was committed to the Court of Sessions by the Court of Dr.Sushma, the then learned Judicial Magistrate 1st Class, Panipat, vide commitment order dated 06.02.2024.

4. On the basis of the Police report, and on finding a prima-facie case, charge-sheet for the offence punishable under Section 379-A read with Section 34 IPC was framed against all the three accused, vide order dated 28.02.2024 by the predecessor of this Court. The charge-sheet was served upon the accused, to which they pleaded ‘not guilty’ and claimed trial.

5. In support of its case the prosecution examined the following witnesses:

Witness	Name of Witness	Date of Examination
PW-1	Inspector Bilasha Ram	21.07.2025
PW-2	EASI Manoj Kumar	27.01.2026
PW-3	Lalan Kumar	20.05.2026
PW-4	Sub Inspector Ram Kumar	20.05.2026

PW-5	ASI Krishan Kumar	20.05.2026
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6. Following documentary evidence was produced by the prosecution:-

Exhibit/Mark	Document	Witness	Dated
Ex.P1	Complaint	PW-3	20.05.2026
Ex.P2	Copy of invoice of mobile phone	PW-3	20.05.2026
Ex.P3	Recovery memo qua copy of invoice of mobile phone	PW-3	20.05.2026
Ex.P4	Identification memo qua accused persons	PW-3	20.05.2026
Ex.P5	FIR	PW-4	20.05.2026
Ex.P6	Endorsement regarding registration of FIR	PW-4	20.05.2026
Ex.P7	Rough site plan of the place of occurrence	PW-4	20.05.2026
Ex.P8	Disclosure statement of accused Amarjeet	PW-4	20.05.2026
Ex.P9	Disclosure statement of accused Raju Sharma	PW-4	20.05.2026
Ex.P10	Disclosure statement of accused Sandeep	PW-4	20.05.2026
Ex.P11	Recovery memo qua mobile phone make Infinix	PW-4	20.05.2026
Ex.P12	Recovery memo qua motor-cycle bearing registration No.HR-60D-8724	PW-4	20.05.2026
Ex.P13	Demarcation memo of place of occurrence	PW-4	20.05.2026
Ex.P14	Recovery memo qua mobile phone make VIVO	PW-4	20.05.2026
Ex.P15	Recovery memo qua mobile phone make Samsung	PW-4	20.05.2026
Ex.P16	Rough site plan of the	PW-4	20.05.2026

	place of recovery of mobile phone from accused Sandeep		
Ex.P17	Rough site plan of the place of recovery of mobile phone from accused Raju Sharma	PW-4	20.05.2026
Ex.PW2/A	Affidavit of PW EASI Manoj Kumar	PW-2	27.01.2026
Ex.MO/1	Mobile phone make Infinix	PW-3	20.05.2026

GIST OF THE EVIDENCE GIVEN BY PROSECUTION WITNESSES:

7. In order to substantiate its case, prosecution examined as many as nine witnesses as tabulated above and also relied upon several documents. It will be expedient to see what the witnesses have deposed.

7.1 **PW1 – Inspector/SHO Bilasha Ram** deposed that on 18.01.2024, while posted as SHO, Police Station Sector 13-17, Panipat, the investigation file was handed over to him by SI Ram Kumar. After examining the investigation, he prepared the final report under Section 173 Cr.P.C. and presented the same before the Court. He was not cross-examined on any material aspect.

7.2 **PW2 – EASI Manoj Kumar (Malkhana Witness)** tendered his affidavit Ex.PW2/A in evidence. During cross-examination, he stated that he had not brought Register No.19 to the Court. He denied the suggestions that he had filed a false affidavit or was deposing falsely.

7.3 **PW3 – Lalan Kumar (Complainant)** stated that in December 2023, while he was going towards the brick kiln near village Khotpura, three

unknown youths riding a motorcycle snatched his blue Infinix mobile phone. He stated that he could not note the registration number of the motorcycle. He proved his complaint Ex.P1, the mobile purchase bill Ex.P2 and seizure memo Ex.P3. He identified the recovered Infinix mobile phone as Ex.MO/1 but categorically stated that accused Amarjeet, Raju and Sandeep were not the persons who had snatched his phone and that he was seeing them for the first time in Court.

7.3.1 As he resiled from his earlier statement, he was declared hostile and cross-examined by the learned Public Prosecutor. During such cross-examination, he denied having disclosed the registration number of the motorcycle to the police or having identified the accused during investigation. He claimed that the police had obtained his signatures on blank papers and denied that the accused were the culprits. He further denied that any compromise had taken place with the accused or that he was withholding the truth due to pressure, fear or influence. In cross-examination by the defence, no further questions were put.

7.4 **PW4 – SI Ram Kumar (Investigating Officer)** deposed that on receiving the complaint Ex.P1, he registered FIR Ex.P5 and made endorsement Ex.P6. He prepared the rough site plan Ex.P7 and took into possession the complainant's mobile bill vide memo Ex.P3. During routine checking near Chandoli Chowk, the accused Amarjeet, Raju and Sandeep were apprehended while riding motorcycle No. HR-60D-8724. According to

him, all three made disclosure statements Ex.P8 to Ex.P10. During the personal search of accused Amarjeet, the stolen blue Infinix mobile phone was recovered and seized vide memo Ex.P11, while the motorcycle was seized vide memo Ex.P12. He further deposed that the complainant was called to the spot and identified the accused vide identification memo Ex.P4. On the following day, the accused demarcated the place of occurrence vide memo Ex.P13, and accused Raju and Sandeep got recovered two more mobile phones from their respective houses vide memos Ex.P14 and Ex.P15. Site plans of the recovery places Ex.P16 and Ex.P17 were also prepared. He identified the case property Ex.MO/1 in Court.

7.4.1 In cross-examination, PW4 admitted that no inquiry was made from any person at the place of occurrence, no independent witness was associated at the time of arrest, disclosure statements or recoveries, no videography or photography of the recovery proceedings was conducted, and neither the Sarpanch nor any Panch was joined during the recovery proceedings. He denied the suggestions that the investigation was tainted, that no disclosures or recoveries had been effected, or that the documents had been prepared while sitting in the police station.

7.5 **PW5 – ASI Krishan Kumar (Recovery Witness)** corroborated the testimony of the Investigating Officer. He stated that he remained associated with SI Ram Kumar during the investigation; the accused were apprehended during naka checking; disclosure statements Ex.P8 to Ex.P10

were made in his presence; the stolen Infinix mobile phone was recovered from accused Amarjeet and seized vide memo Ex.P11; the motorcycle was seized vide memo Ex.P12; and the complainant identified the accused at the spot vide memo Ex.P4. He further supported the prosecution regarding the demarcation of the place of occurrence and recovery of two additional mobile phones from accused Raju and Sandeep vide memos Ex.P14 and Ex.P15. He also identified the recovered mobile phone Ex.MO/1 in Court.

7.5.1 During cross-examination, PW5 admitted that no independent witness, public witness, Sarpanch or Panch was joined during the arrest, disclosure statements or recovery proceedings, and that no videography or photography was conducted. He, however, denied the suggestions that he was not associated with the investigation, that no disclosure statements or recoveries had taken place in his presence, or that he had signed the documents while sitting in the police station.

8. Prosecution evidence was thereafter closed.

9. After closure of the prosecution evidence, statements of all the three accused under Section 313 Cr.P.C./351 BNSS were recorded, confronting them with the incriminating evidence adduced against them by the prosecution. Accused denied the same and pleaded false implication. They claimed that they are innocent and have been falsely implicated in this case. Though the accused have initially opted to lead evidence in their

defence, but later on, no oral or documentary evidence has been adduced by them.

10. Defence evidence was closed by the accused vide their joint statement recorded separately on 03.08.2026.

11. I have heard learned Public prosecutor for the State as well as learned defence counsel and have gone through the case file carefully and thoroughly.

ARGUMENTS ON BEHALF OF PROSECUTION

12. Learned Public Prosecutor contended that the prosecution has succeeded in proving the guilt of all the accused beyond reasonable doubt. It is argued that the occurrence was promptly reported and FIR Ex.P5 was registered on the basis of complaint Ex.P1. The complainant had specifically mentioned the registration number of the motorcycle used in the commission of the offence. Acting upon secret information, the police apprehended all the three accused on the very next day while they were travelling on the same motorcycle bearing registration No. HR-60D-8724. Their arrest in such close proximity to the occurrence lends considerable assurance to the prosecution case.

12.1 It is further argued that during interrogation, all the accused suffered disclosure statements Ex.P8 to Ex.P10 admitting their involvement in the crime. Pursuant to the disclosure statement of accused Amarjeet, the stolen Infinix mobile phone belonging to the complainant was recovered from his possession vide recovery memo Ex.P11. The motorcycle used in

the commission of the offence was also recovered from accused Sandeep vide memo Ex.P12. Subsequently, the accused demarcated the place of occurrence vide Ex.P13 and accused Raju and Sandeep also got recovered two additional mobile phones, thereby showing their involvement in similar criminal activities. It is submitted that the recovery of the stolen mobile phone from accused Amarjeet soon after the occurrence constitutes a highly incriminating circumstance attracting the presumption under Section 114 illustration (a) of the Indian Evidence Act that a person found in possession of recently stolen property is either the thief or has received the property knowing it to be stolen, unless satisfactorily explained.

12.2 Learned Public Prosecutor submits that although the complainant PW3 resiled from his previous statement and failed to identify the accused during trial, his entire testimony cannot be discarded, particularly when he admitted the occurrence and the lodging of complaint Ex.P1 and the ownership and recovery of the mobile phone Ex.MO/1. He has fully supported the prosecution regarding the occurrence of snatching, ownership of the mobile phone, lodging of complaint Ex.P1, handing over of the purchase invoice Ex.P2, and identification of the recovered mobile phone Ex.MO/1 as belonging to him. Thus, the substratum of the prosecution case regarding the occurrence and recovery remains intact. It is argued that only to the extent he failed to identify the accused, he turned hostile, apparently due to fear or having been won over, and that part of his testimony does not efface the otherwise reliable prosecution evidence.

12.3 It is further contended that the testimonies of PW4 SI Ram Kumar and PW5 ASI Krishan Kumar are cogent, consistent and mutually corroborative regarding the arrest of the accused, their disclosure statements, recovery of the stolen mobile phone from accused Amarjeet, seizure of the motorcycle and subsequent investigation. Nothing material could be elicited during their cross-examination to impeach their credibility. Merely because no independent witness was associated with the recovery proceedings is not fatal when the official witnesses are trustworthy and there is no reason to falsely implicate the accused. It is settled law that the testimony of police officials cannot be discarded merely because they belong to the police force.

12.4 It is lastly argued that the prosecution has established a complete chain of circumstances namely the prompt FIR, disclosure statements, recovery of the stolen property from accused Amarjeet within one day of the occurrence, recovery of the motorcycle used in the offence and corroboration by official witnesses, which unerringly points towards the guilt of the accused. Accordingly, all the accused deserve to be convicted for the offence punishable under Section 379-A read with Section 34 IPC.

ARGUMENTS IN DEFENCE

13. Learned defence counsel, on the other hand, contended that the prosecution has miserably failed to establish the guilt of the accused beyond reasonable doubt. It is argued that the complainant PW3, who is the sole eyewitness to the occurrence, has completely demolished the prosecution

case. He categorically deposed before the Court that accused Amarjeet, Raju and Sandeep were not the persons who had snatched his mobile phone and that he was seeing them for the first time in Court. He also denied having identified the accused during investigation and asserted that the police had obtained his signatures on blank papers. Thus, the identity of the accused, which is the foundation of the prosecution case, remains wholly unproved.

13.1 It is further submitted that PW3 also denied having supplied the registration number of the motorcycle to the police and specifically denied that he had stated that the assailants escaped on motorcycle No. HR-60D-8724. This materially contradicts the prosecution story that the accused were apprehended on the basis of the registration number furnished by the complainant. Once the complainant himself disowns this vital part of the prosecution case, the very genesis of the investigation becomes doubtful. Otherwise also, no investigation is done by the police to establish the ownership of the said motor cycle. No registration certificate has come on record.

13.2 Learned defence counsel further argued that the alleged identification memo Ex.P4 has become meaningless in view of the categorical denial by PW3 that he ever identified the accused during investigation. Therefore, the alleged identification before the police has no evidentiary value and cannot substitute substantive evidence in Court. In the

absence of identification of the accused in Court, no conviction can be recorded merely on the basis of police evidence.

13.3 It is also argued that the alleged disclosure statements Ex.P8 to Ex.P10 are inadmissible except to the limited extent permissible under Section 27 of the Indian Evidence Act. Even the alleged recoveries are highly doubtful. The entire recovery proceedings were conducted only in the presence of police officials. No independent witness from the locality was associated despite availability. PW4 and PW5 admitted that no public witness, Sarpanch or Panch was joined during the arrest, disclosure or recovery proceedings and no videography or photography was conducted. Such omissions create serious doubt regarding the genuineness of the alleged recoveries.

13.4 The defence further contended that even assuming the recovery of the mobile phone from accused Amarjeet to be correct, recovery by itself is insufficient to establish the offence under Section 379-A IPC. At best, such recovery may give rise to suspicion regarding possession of stolen property but cannot prove beyond reasonable doubt that Amarjeet committed the snatching, much less that the remaining accused shared any common intention. There is no recovery from accused Sandeep (except motor-cycle) in relation to the complainant's mobile phone, nor is there any independent evidence connecting him or accused Raju with the alleged offence. The

subsequent recovery of other mobile phones from accused Raju and Sandeep has no nexus with the present case and cannot be used to infer guilt.

13.5 It is further argued that the prosecution has failed to establish an unbroken chain of circumstances. The most material witness has not supported the prosecution on the identity of the accused. No scientific evidence such as call detail records, location data or fingerprints connecting the accused with the offence. There is no Test Identification Parade, no independent witness to the arrest or recovery, and the entire prosecution case rests upon the interested testimony of police officials. These omissions create serious doubt regarding the fairness of the investigation. In criminal jurisprudence, suspicion, however strong, cannot take the place of proof.

13.6 On these grounds, learned defence counsel prayed that the prosecution has failed to prove its case beyond reasonable doubt and all the accused are entitled to acquittal by extending to them the benefit of doubt.

POINTS FOR DETERMINATION

14. After having heard the rival contentions and perusing the record carefully, the following points for determination as envisaged under clause (b) of section 393 BNSS (354 Cr.P.C.) is framed:

Whether on 09.12.2023, at about 4.00 pm, at village Khotpura, District Panipat, all the three accused in furtherance of their common intention, forcibly snatched mobile phone make Infinix from complainant Lalan Kumar and thus, thereby committed offence punishable under Section 379-A read with Section 34 IPC ? If not, whether any of the accused is liable to be convicted under Section 411 IPC ?

FINDINGS:

15. After hearing both the sides and perusing the record available on case file, I am of the considered opinion that the prosecution was required to establish beyond reasonable doubt that on 09.12.2023, all the three accused, in furtherance of their common intention, committed the offence of snatching the mobile phone of complainant Lalan Kumar by using force, thereby committing an offence punishable under Section 379-A read with Section 34 IPC.

15.1 The factum of occurrence is not in serious dispute. PW3 Lalan Kumar has consistently deposed that in December, 2023, while he was proceeding towards the brick kiln near village Khotpura and was talking on his mobile phone, three unknown youths riding on a motorcycle snatched his blue coloured Infinix mobile phone and fled away. He proved his complaint Ex.P1, invoice of the mobile phone Ex.P2 and seizure memo Ex.P3. He also correctly identified the recovered mobile phone Ex.MO/1 as belonging to him. Thus, from the testimony of PW3, duly corroborated by the documentary evidence, it stands proved that an incident of snatching had indeed taken place and that the mobile phone recovered during investigation belonged to the complainant.

15.2 The crucial question, however, is whether the prosecution has been able to establish that the present accused were the perpetrators of the said offence. On this aspect, the testimony of PW3 completely departs from

the prosecution case. In his examination-in-chief itself, PW3 categorically stated that accused Amarjeet, Raju and Sandeep were not the persons who had snatched his mobile phone and that he had seen them for the first time in Court. Even after being declared hostile and extensively cross-examined by the learned Public Prosecutor, PW3 remained firm in his stand. He specifically denied that he had seen or noted the registration number of the motorcycle, denied that the motorcycle was bearing registration No. HR-60D-8724, denied having identified the accused during investigation and further stated that the police had obtained his signatures on blank papers. He also denied that the accused present in Court were the persons who had committed the offence of snatching. Although the prosecution suggested that he had entered into a compromise or was deliberately suppressing the truth, PW3 denied the same.

15.3 It is well settled that the testimony of a hostile witness is not to be discarded in toto and the Court may rely upon such part of his evidence which inspires confidence and finds corroboration from other evidence on record. Applying this principle, the testimony of PW3 can safely be relied upon to the extent that an incident of snatching occurred and that Ex.MO/1 belonged to him. However, on the most vital aspect, namely the identity of the offenders, PW3 has not only failed to support the prosecution but has positively exonerated the accused. Thus, the substantive evidence of the sole eyewitness does not connect the accused with the crime.

15.4 The prosecution seeks to bridge this gap through the testimony of PW4 SI Ram Kumar, the Investigating Officer, and PW5 ASI Krishan Kumar, who have deposed regarding the apprehension of the accused, their disclosure statements, recovery of the stolen mobile phone from accused Amarjeet and the recovery of the motorcycle allegedly used in the commission of the offence. Their depositions are substantially consistent with each other. However, both these witnesses admitted in their cross-examination that no independent witness was joined at the time of arrest of the accused, recording of disclosure statements or recovery proceedings. They further admitted that no public witness, Sarpanch or Panch was associated despite the recoveries having allegedly been effected from public places or residential areas. They also admitted that no videography or photography of the recovery proceedings was conducted.

15.5 It is true that merely because recoveries are witnessed only by police officials, their testimony cannot be discarded solely on that ground if otherwise reliable. Equally settled, however, is the principle that where the entire prosecution case hinges upon police witnesses and the sole eyewitness has failed to identify the accused, the Court is required to scrutinize the evidence with greater care and caution.

15.6 The prosecution has further relied upon disclosure statements Ex.P8 to Ex.P10. However, except to the limited extent permitted under Section 27 of the Indian Evidence Act, disclosure statements are

inadmissible in evidence. Therefore, the only relevant circumstance is the alleged recovery of the stolen mobile phone from accused Amarjeet.

15.7 The recovery of the mobile phone from accused Amarjeet undoubtedly constitutes an incriminating circumstance. Nevertheless, this circumstance must be evaluated in the backdrop of the entire evidence. Firstly, the complainant himself denied that he had identified the accused at the spot during investigation and specifically repudiated identification memo Ex.P4 by asserting that his signatures had been obtained on blank papers. Secondly, there is no Test Identification Parade. Thirdly, there is no independent witness to the recovery. Fourthly, there is no scientific or electronic evidence linking the accused with the occurrence. Consequently, the alleged recovery, though a suspicious circumstance, cannot by itself establish beyond reasonable doubt that Amarjeet was one of the three persons who had committed the snatching.

15.8 More importantly, even if the recovery from Amarjeet is accepted, there is no legally admissible evidence connecting accused Raju and Sandeep with the commission of the present offence. Their implication rests only upon the alleged disclosure statements, the recovery of other mobile phones having no connection with the present case, and the testimony of the police officials. In the absence of identification by the complainant or any other independent evidence, the prosecution has failed to establish that they shared any common intention with Amarjeet in committing the alleged offence.

15.9 The prosecution has argued that the complainant has been won over and, therefore, has intentionally resiled from his previous statement. While such a possibility cannot be completely ruled out, criminal courts decide cases on legal evidence and not on conjectures. There is no material on record to conclude that PW3 deliberately suppressed the truth. His testimony, as recorded before the Court, constitutes substantive evidence and the previous statement recorded during investigation cannot be treated as substantive evidence to convict the accused.

15.10 Criminal jurisprudence requires the prosecution to prove its case beyond reasonable doubt. Suspicion, however grave, cannot substitute proof. The identity of the offenders is the foundational requirement in a prosecution for an offence under Section 379-A IPC. In the present case, that foundational fact has not been established by reliable and cogent evidence. Once the complainant himself has failed to identify the accused and there is no independent corroboration of the alleged recoveries or identification proceedings, it would be unsafe to record a conviction solely on the basis of the testimony of police officials.

15.11 Accordingly, this Court is of the considered opinion that the prosecution has failed to establish beyond reasonable doubt that accused Amarjeet, Raju and Sandeep, in furtherance of their common intention, committed the offence of snatching the mobile phone of complainant Lalan Kumar. The accused are, therefore, entitled to the benefit of doubt. **Resultantly, all the three accused, namely Amarjeet, Raju Sharma and**

Sandeep, are acquitted of the charge under Section 379-A read with Section 34 IPC.

16. However, the evidence led by the prosecution unmistakably establishes that the stolen Infinix mobile phone belonging to complainant Lalan Kumar was recovered from the conscious possession of accused Amarjeet immediately after the occurrence. PW3, despite having turned hostile on the aspect of identity of the accused, unequivocally identified Ex.MO/1 as his mobile phone. The ownership of the said mobile phone also stands corroborated by invoice Ex.P2. Thus, there remains no dispute that Ex.MO/1 was the very mobile phone which had been snatched from PW3.

16.1 PW4 SI Ram Kumar and PW5 ASI Krishan Kumar have consistently deposed that accused Amarjeet was apprehended on 10.12.2023 and during his personal search, the Infinix mobile phone was recovered from the right pocket of his pant and seized vide recovery memo Ex.P11. Their testimony on the aspect of recovery has remained consistent and no material contradiction has been brought out in their cross-examination. Merely because no independent witness was associated with the recovery proceedings is not, by itself, sufficient to discard their testimony, particularly when nothing has been elicited to establish any motive for falsely planting the mobile phone upon the accused.

16.2 The recovery was effected within about one day of the occurrence. Such possession was, therefore, recent. In his examination under

Section 313 Cr.P.C., accused Amarjeet has not offered any explanation whatsoever as to how the stolen mobile phone came into his possession. The unexplained possession of recently stolen property, coupled with the proved identity of the recovered article, attracts the presumption embodied in Illustration (a) to Section 114 of the Indian Evidence Act.

16.3 The failure to prove the offence of snatching does not obliterate the independent and cogent evidence regarding his conscious possession of the stolen property soon after the occurrence. The ingredients of Section 411 IPC stand fully established. The prosecution has proved that Ex.MO/1 was stolen property; the same was recovered from the conscious possession of accused Amarjeet shortly after the occurrence; and Amarjeet has failed to furnish any explanation for such possession. In these circumstances, this Court has every reason to conclude that accused Amarjeet dishonestly retained the stolen property knowing or having reason to believe the same to be stolen.

16.4 Accordingly, while accused Amarjeet is entitled to the benefit of doubt for the offence punishable under Section 379-A IPC, the prosecution has succeeded in proving beyond reasonable doubt that he committed the offence punishable under **Section 411 IPC**. He is, therefore, **convicted under Section 411 IPC**.

16.5 **Accused Raju Sharma and Sandeep**, however, are entitled to the benefit of doubt, there being no legally admissible evidence connecting them

either with the offence of snatching or with the stolen mobile phone recovered from accused Amarjeet. They are accordingly **acquitted**.

CONCLUSION

17. In view of the foregoing observations, by extending benefit of doubt all the Accused persons Amarjeet, Raju Sharma and Sandeep are acquitted of the charge framed against them under section 379 A IPC. **However, accused Amarjeet is held guilty and convicted under Section 411 IPC.**

18. The convict Amarjeet shall be heard on the quantum of sentence on **11.08.2026**. The Prosecution shall ensure report regarding previous conviction, if any, against the convict, on the date fixed. The accused/convict Amarjeet is on bail in this case. He be taken into custody in this case and be produced before the Court on 11.08.2026.

18.1 Accused Raju Sharma and Sandeep are on bail in this case. Their bail bonds and surety bonds stand discharged.

18.2 The standardized chart of witnesses, exhibited document and material object as directed by Hon'ble Supreme Court in Manojbhai Jethabhai Parmar (Rohit) Vs. State of Gujarat Criminal Appeal No.(2) 2973 of 2023, is annexed herewith.

18.3 The *superdaris*, if any, shall become absolute and case property be disposed of as per rules after lapse of period provided for filing of appeal or revision against this judgment and after final decision of appeal or

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revision, as the case may be. File be consigned to the record room after due compliance.

Pronounced in open Court.

Dated: 07.08.2026

(Vani Gopal Sharma)
Sessions Judge, Panipat.
(UID No. HR0073)

Asha Rani,
Stenographer Gr.I.

All the pages of this judgment have been checked and signed by me.

(Vani Gopal Sharma)
Sessions Judge, Panipat

Vani Gopal Sharma
Sessions Judge, Panipat.

In compliance of the guidelines issued by Hon’ble Supreme Court of India in Manojbhai Jethabhai Parmar (Rohit) Vs. State of Gujarat Criminal Appeal No.(2) 2973 of 2023, tabulated charts of Witnesses, exhibited document and material object are as under:

Chart For Witnesses Examined

Sr. No.	Prosecution Witness No.	Name of Witness	Description
1	PW-1	Inspector Bilasha Ram	Official witness who prepared the final report of this case
2	PW-2	EASI Manoj Kumar	Malkhana Moharir
3	PW-3	Lalan Kumar	Complainant
4	PW-4	Sub Inspector Ram Kumar	Investigating officer
5	PW-5	ASI Krishan Kumar	Official witness who remained associated with Investigating officer

Chart for Exhibited Documents

Sr. No.	Exhibit/ Mark	Document	Witness
1	Ex.P1	Complaint	PW-3
2	Ex.P2	Copy of invoice of mobile phone	PW-3
3	Ex.P3	Recovery memo qua copy of invoice of mobile phone	PW-3
4	Ex.P4	Identification memo qua accused persons	PW-3
5	Ex.P5	FIR	PW-4
6	Ex.P6	Endorsement regarding registration of FIR	PW-4

7	Ex.P7	Rough site plan of the place of occurrence	PW-4
8	Ex.P8	Disclosure statement of accused Amarjeet	PW-4
9	Ex.P9	Disclosure statement of accused Raju Sharma	PW-4
10	Ex.P10	Disclosure statement of accused Sandeep	PW-4
11	Ex.P11	Recovery memo qua mobile phone make Infinix	PW-4
12	Ex.P12	Recovery memo qua motor-cycle bearing registration No.HR-60D-8724	PW-4
13	Ex.P13	Demarcation memo of place of occurrence	PW-4
14	Ex.P14	Recovery memo qua mobile phone make VIVO	PW-4
15	Ex.P15	Recovery memo qua mobile phone make Samsung	PW-4
16	Ex.P16	Rough site plan of the place of recovery of mobile phone from accused Sandeep	PW-4
17	Ex.P17	Rough site plan of the place of recovery of mobile phone from accused Raju Sharma	PW-4
18	Ex.PW2/A	Affidavit of PW EASI Manoj Kumar	PW-2

Chart for Material Objects/Muddamals

Sr. No.	Material Object No.	Description of the Exhibit	Proved by/Attested by
1	Ex.MO/1	Mobile phone make Infinix	PW-3

(Vani Gopal Sharma)
Sessions Judge, Panipat.
UID No. HR0073