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

+ **CRL.REV.P. 277/2024**

DEEPAK ALIAS DEEPU Petitioner

Through: **Mr. Jagat Singh Baasta,**
Advocate

versus

STATE GOVT OF NCT OF DELHI Respondent

Through: **Mr. Pradeep Gahalot, APP**
for the State with SI
Mahesh Yadav, PS
Defence Colony.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **27.02.2024**

CRL.M.A. 6208/2024 (delay)

1. For the reasons mentioned, the delay of 34 days in filing the petition is condoned.
2. The application stands disposed of.

CRL.REV.P. 277/2024 & CRL.M.(BAIL) 355/2024
(suspension of sentence)

3. The present petition is filed under Section 397/401 read with Section 482 of the Code of Criminal Procedure, 1973, ('CrPC') challenging the judgment dated 18.10.2023 (hereafter '**impugned order**'), passed by the learned Additional Sessions Judge ('**ASJ**'), South East District, Saket Courts, New Delhi.
4. The learned ASJ, by the impugned order, has dismissed the appeal filed by the petitioner, challenging the judgment of conviction dated 28.06.2017 and the order on sentence dated



11.07.2017, passed by the learned Metropolitan Magistrate ('MM'), South East District, Saket Courts, New Delhi.

5. The learned MM by the order dated 28.06.2017 has convicted the petitioner and the other co-accused person for the offences under Sections 392/34 of the Indian Penal Code, 1860 ('IPC') for robbing the complainant of his Samsung Mobile phone, a purse containing ₹2,777/- and one gold ring.

6. The learned MM *vide* order dated 11.10.2017 has sentenced the petitioner to undergo two years rigorous imprisonment with a fine of ₹10,000/-, and in case of default of payment of fine, to further undergo simple imprisonment for a period of three months.

7. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He submits that the sole evidence against the petitioner was the disclosure statement of the co-accused person and nothing was recovered from the petitioner.

8. He submits that the disclosure statement of the co-accused person could not have been relied upon in the absence of any corroborative evidence.

9. He further submits that the petitioner is the sole earning member in the family and has three minor children to support.

10. He submits that the fine, as imposed by the learned Trial Court, will be paid within two days.

11. He further submits that the affidavit of the petitioner's assets and income, as directed by the learned ASJ in the impugned order, has already been filed but the same is not on record. He seeks time to place the same on record.

12. Let the same be placed on record before the next date of hearing.



13. Issue notice. The learned Additional Public Prosecutor accepts notice on behalf of the State.
14. List on 04.03.2024.

AMIT MAHAJAN, J

FEBRUARY 27, 2024
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