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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.A. 723/2025, CRL.M.A. 15954/2025, CRL.M.(BAIL)
1131/2025

KHALID @ IZHAR

.....Appellant
Through: Mr. Aman Panwar, Mr. Piyush
Wadhwa and Mr. Abhinav
Kumar, Advs.
Ms. Supriya Juneja and Ms.
Shreya Lamba, Advs.

versus

STATE (NCT OF DELHI)

.....Respondent
Through: Mr. Ritesh Kumar Bahri, APP
with Ms. Divya Yadav, Adv.
and ASI Rajesh Kumar.

CORAM:
HON'BLE MR. JUSTICE VIVEK CHAUDHARY
HON'BLE MS. JUSTICE SHALINDER KAUR

% **ORDER**
25.07.2025

1. The present appeal has been filed under Section 415(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 to assail the Judgement of Conviction dated 24.12.2024 and Order on Sentence dated 11.02.2025 passed by the learned Additional Sessions Judge-06, South District, Saket District Court, Delhi in Sessions Case No. 269/2024 arising out of the E-FIR No. 030418/2023 registered at Police Station Ambedkar



Nagar, Delhi for the offences punishable under Sections 392/34/397/75 of the Indian Penal Code, 1860 (IPC).

2. The learned counsel for the appellant submits that *vide* the Judgment dated 24.12.2024, the appellant was convicted under Section 397 read with Section 75 and Section 392 read with Section 34 of the IPC and by the Order on Sentence dated 11.02.2025, he was sentenced to undergo Imprisonment for Life for offence under Section 397 read with Section 75 of the IPC. He was also sentenced to undergo Rigorous Imprisonment for a period of 10 years and to pay a fine of Rs. 25,000/-, in default whereof, to further undergo Rigorous Imprisonment for a period of 6 months for the offence under Section 392 read with Section 34 of the IPC.

3. The learned counsel submits that the learned Trial Court has failed to appreciate that the FIR was initially registered for the offence of theft, and allegations regarding robbery were subsequently introduced by way of material improvements without any plausible explanation. The alleged recovery of a pistol, which forms the basis of the Charge under Section 397 of the IPC, was not recorded in the personal search memo of the appellant, thereby casting serious doubt on the recovery and indicating false implication. Furthermore, none of the prosecution witnesses have identified the said weapon, making the invocation of Section 397 of the IPC wholly unsustainable, thus, the Impugned Judgment is liable to be set aside.

4. Issue notice.

5. Mr. Ritesh Kumar Bahri, the learned APP for the respondent accepts notice and seeks time to file a status report.



6. Let the Status Report be filed, at least three days before the next date of hearing, with an advance copy to the opposite side.
7. In view of the mandate of the Supreme Court in ***Jagjeet Singh & Ors. vs. Ashish Mishra @ Monu & Anr.*** (2022) 9 SCC 321, intimation be issued through the IO/SHO to the victim, who may either appear in person or through video conferencing, or be represented through an Advocate, on the next date of hearing.
8. Let the Trial Court record, in digital form, be requisitioned before the next date of hearing.
9. Re-notify on 21.08.2025.

VIVEK CHAUDHARY, J

SHALINDER KAUR, J

JULY 25, 2025/ss/kp