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

+ **CRL.A. 725/2025**

RAHUL @ RANJEET

.....Appellant

Through: Mr. Aman Panwar, Mr. Shrey
Kuldeep and Mr. Abhinav
Kumar, Advs.

versus

**STATE (NCT) OF DELHI. THROUGH CHIEF SECRETARY
DELHI SECRETARIAT, IP ESTATE**

.....Respondent

Through: Mr. Raghuinder Verma, APP
for State with SI Dharmveer,
PS Chhawla.

CORAM:

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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26.05.2025

CRL.M.A. 15976/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.A. 725/2025, CRL.M.A. 15977/2025, CRL.M.B. 1133/2025

3. The present appeal has been filed under Section 415(2) read with Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 on behalf of the appellant to assail the Judgment dated 05.10.2024 and Order on Sentence dated 23.12.2024 passed by the learned Additional Sessions Judge-05 (ASJ), South-West District, Dwarka Courts, Delhi in Sessions Case bearing no. 198/2021 arising out of FIR No. 812/2020 for offences under Sections 392/397/411/34 of the Indian



Penal Code, 1860 (“IPC”) registered at Police Station Chhawla.

4. The learned counsel for the petitioner submits that the petitioner has been sentenced to undergo Rigorous Imprisonment (“RI”) for 07 years and a fine of Rs. 10,000/-, in default Simple Imprisonment (“SI”) for 03 months for the offences punishable under Section 392/34 IPC, RI for 07 years for the offences punishable under Section 397 IPC and SI for 01 year for the offences punishable under Section 411 IPC.

5. He submits that it is the prosecution’s case that, on 02.06.2022 at about 04:00 PM, at Najafgarh Nala Road, Delhi, two individuals namely co-accused Atul and the petitioner allegedly committed robbery of a mobile phone, and during the commission of the said offence, he allegedly used a knife. On the basis of the complainant’s statement, an FIR was registered. He submits that both accused persons were subsequently arrested.

6. Learned counsel submits that after conclusion of the investigation, the Charge Sheet was filed by the prosecution and during the course of the trial, the prosecution has examined seven witnesses to substantiate the allegations. After completion of prosecution evidence, the statement of the accused under Section 313 Cr.P.C. was recorded, wherein he claimed innocence and alleged false implication. Thereafter, the learned Trial Court, without properly considering the material on record, erred in passing the Impugned Judgment and Order on Sentence. Aggrieved thereof, the petitioner preferred the present appeal.

7. Issue notice.



8. The learned APP accepts notice and seeks time to file a status report.
9. Let the status report be filed, at least three days before the next date of hearing, with an advance copy to the opposite side.
10. In the meanwhile, the learned APP is also directed to verify the address of the appellant before the next date of hearing.
11. The Trial Court record, in digital form, be requisitioned before the next date of hearing.
12. In view of the mandate of the Supreme Court in ***Jagjit Singh & Ors. V. Ashish Mishra @ Monu & Anr.***; (2022) 9 SCC 321, an intimation be issued through the IO/SHO to the complainant, who may appear either in person or through Video Conferencing, or be represented through an Advocate, on the next date of hearing.
13. Re-notify on 29.07.2025.

SHALINDER KAUR, J

MAY 26, 2025/ss/kp

[Click here to check corrigendum, if any](#)