



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

Reserved on: 20/07/2026

Pronounced on: 30/07/2026

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+ **CRL.A. 234/2026 & CRL.M.B. 488/2026**

RAHIM @ PUCHI

....Appellant

Through: Mr. Hardik Bedi, Mr. Sonu
Chaudhary, Ms. Mansi Bidhuri,
Proxy Counsel.

versus

THE STATE (GOVT OF NCT OF DELHI)

....Respondent

Through: Mr. Aashneet Singh, APP with
SI Dharmendra Sharma. PS
Patel Nagar.

CORAM:

HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. The present appeal has been preferred under Section 415 of the Bharatiya Nagarik Suraksha Sanhita, 2023(hereinafter referred to as the 'BNSS') assailing the judgment dated 15.12.2025 and the order on sentence dated 03.01.2026 passed by the learned Additional Sessions Judge-09, West District, Tis Hazari Courts, Delhi in Sessions Case No. 741/2022 arising out of FIR No. 550/2022, Police Station Patel Nagar, registered under Sections 392, 397 and 411 of the Indian Penal Code, 1860 (hereinafter referred to as the 'IPC'), whereby the appellant has been convicted for the offence punishable under Section 392 read with Section 397 IPC and sentenced to undergo rigorous imprisonment for a period of ten years along with a fine of



₹10,000/-, with a default sentence of rigorous imprisonment for two months.

FACTUAL MATRIX:

2. The prosecution case, in brief, is that on 19.08.2022, the complainant, Sanjay Yadav, who was running a tea stall outside the office of the Delhi Jal Board at Patel Nagar, Delhi, was allegedly robbed by the appellant while returning after purchasing milk. It is alleged that the appellant intercepted the complainant, threatened him with a knife and forcibly removed a sum of ₹1,200/- and a Nokia mobile phone from his possession. Immediately thereafter, the complainant raised an alarm, attracting the attention of his nephew and nearby public persons, who allegedly apprehended the appellant near the spot. Information was thereafter conveyed to the police.

3. During investigation, the statement of the complainant was recorded, on the basis of which the present FIR came to be registered. The prosecution alleges that a knife, the cash amount of ₹1,200/- and the complainant's Nokia mobile phone were recovered from the possession of the appellant at the spot itself. The recovered articles were seized, the site plan was prepared, the appellant was arrested, and upon completion of investigation, a chargesheet came to be filed before the competent Court for offences punishable under Sections 392, 397 and 411 IPC.

4. Upon committal of the case to the Court of Sessions, the learned Trial Court framed charges against the appellant for offences punishable under Sections 392, 397 and 411 IPC. The appellant pleaded not guilty and claimed trial.

5. In order to establish its case, the prosecution examined seven witnesses, including the complainant, his nephew and the Investigating Officer. The prosecution also relied upon the documentary evidence



collected during the course of investigation, including the seizure memos, arrest memo, personal search memo, site plan and other contemporaneous records. Upon completion of the prosecution evidence, the statement of the appellant was recorded under Section 313 Cr.P.C., wherein he denied the allegations and claimed that he had been falsely implicated on account of previous enmity with the relatives of the complainant. The appellant also led defence evidence in support of his plea.

6. Upon appreciation of the oral and documentary evidence, the learned Trial Court, by judgment dated 15.12.2025, held that the prosecution had succeeded in establishing beyond reasonable doubt that the appellant had committed robbery of the complainant while armed with a knife. Accordingly, the appellant was convicted for the offence punishable under Section 392 read with Section 397 IPC, whereas no separate finding of conviction was returned under Section 411 IPC. The operative portion of the judgment reads as under:

“39. Thus, in the light of these facts, it is concluded that prosecution has proved beyond reasonable doubt that Accused robbed cash of Rs.1200/- and mobile phone from the complainant Sanjay Yadav on the point of knife on 19.08.2022. Accordingly, accused is convicted for the charge of offences punishable under Section 392 read with Section 397 IPC. The charge of Section 411 IPC is framed in an alternative against the accused. As the accused is convicted for an offence punishable u/s. 392 IPC read with Section 397 IPC, he cannot be separately convicted u/s. 411 IPC.”

7. Thereafter, by the order on sentence dated 03.01.2026, the learned Trial Court sentenced the appellant to undergo rigorous imprisonment for a period of ten years for the offence punishable under Section 392 read with Section 397 IPC and imposed a fine of ₹10,000/-, with a default sentence of



rigorous imprisonment for two months. The appellant was also extended the benefit of Section 428 Cr.P.C.

8. Aggrieved by the judgment of conviction dated 15.12.2025 and the consequential order on sentence dated 03.01.2026, the appellant has preferred the present appeal.

SUBMISSIONS ON BEHALF OF THE PETITIONERS:

9. Learned counsel submits that the prosecution case rests substantially upon the testimonies of PW-1 (the complainant) and PW-2, who are closely related to each other, PW-2 being the nephew of the complainant. It is contended that no independent public witness has been examined, despite the prosecution itself alleging that several public persons had gathered at the spot and had apprehended the appellant immediately after the incident. It is submitted that the alleged occurrence took place at a busy public place where an auto repair shop was situated and, as is evident from the evidence on record, an auto mechanic and other persons were present at the spot. Despite the availability of independent witnesses, none of them was joined during investigation or examined during trial.

10. Learned counsel further submits that there are material contradictions in the prosecution evidence with regard to the manner in which the appellant was apprehended and the alleged recovery was effected. It is pointed out that PW-1 deposed that after he apprehended the appellant, about ten to twelve public persons also reached the spot and thereafter PW-2 arrived. On the other hand, PW-2, during his cross-examination, stated that he had produced the recovered currency notes before the Investigating Officer at the police station. This version, according to the appellant, is inconsistent with the testimony of PW-7, the Investigating Officer, who categorically deposed



that the entire recovery, including the cash, the mobile phone and the knife, was effected at the spot itself. It is submitted that these contradictions go to the root of the prosecution case and create a serious doubt regarding the alleged recovery.

11. Learned counsel submits that CCTV cameras were admittedly installed in the vicinity of the place of occurrence, yet no CCTV footage was collected or placed on record during investigation. It is argued that despite the appellant specifically requesting that the CCTV footage be verified, no effort was made by the investigating agency to secure the same.

12. It is further submitted that the appellant had, prior to the registration of the present FIR, lodged FIR No. 559/2021 at Police Station Patel Nagar against the relatives of the complainant. In support of the said plea, the appellant examined himself as DW-2 and also examined DW-1, Mohd. Mumtaz, who deposed regarding the earlier incident involving the complainant and his relatives. Learned counsel submits that the present FIR was instituted as a counterblast to the earlier criminal proceedings and that the appellant has been falsely implicated on account of previous enmity.

SUBMISSIONS ON BEHALF OF THE RESPONDENTS:

13. *Per contra*, learned APP submits that the prosecution has proved its case beyond reasonable doubt through the cogent and consistent testimony of the complainant (PW-1), which stands duly corroborated by PW-2 and the police witnesses. It is submitted that the appellant was apprehended immediately after the commission of the offence and was produced before the police by the complainant. The weapon of offence, namely the knife, along with the robbed mobile phone and cash amounting to ₹1,200/-, were



recovered from the possession of the appellant, thereby lending complete corroboration to the prosecution case.

14. Learned APP submits that the contentions sought to be raised by the appellant regarding the non-joining of independent public witnesses, the alleged discrepancies in the testimony of the prosecution witnesses and the plea of previous enmity were duly considered by the learned Trial Court and were found to be without merit. According to the APP, no material contradiction has been pointed out which would discredit the prosecution evidence or demolish the prosecution case in its entirety.

15. It is further submitted that merely because certain public persons who were present at the spot were not examined during trial would not, by itself, render the prosecution case doubtful particularly when the evidence of the eyewitnesses inspires confidence and stands corroborated by the recoveries effected from the appellant immediately after the incident. Similarly, the plea of false implication on account of the earlier FIR lodged by the appellant has remained unsubstantiated and has rightly been rejected by the learned Trial Court.

ANALYSIS AND FINDINGS:

16. I have heard the learned counsel for the petitioner as well as the learned APP for the State and have gone through the material on record.

17. The present matter is an appeal against conviction. It is well settled that though an appellate court is empowered to re-appreciate the evidence on record and arrive at its own conclusions, interference with a judgment of conviction is called for only where the findings recorded by the Trial Court are shown to be perverse, unsupported by the evidence on record, or suffer from a manifest error of law resulting in a miscarriage of justice. If the



appreciation of evidence by the Trial Court is based on a proper evaluation of the material on record and the view taken is a plausible one, such findings ordinarily do not warrant interference. At the same time, it remains the duty of the appellate court to satisfy itself that the prosecution has succeeded in proving its case beyond reasonable doubt. In this regard, reference may be made to the decision of the Supreme Court in ***Chandrappa & Ors. v. State of Karnataka, (2007) 4 SCC 415.***

18. The principal challenge raised by the appellant is that the conviction rests primarily on the testimonies of PW-1, the complainant, and PW-2, who is admittedly related to him. It has been contended that despite the alleged presence of several public persons at the spot, no independent witness was associated during the investigation. The appellant has further relied upon certain inconsistencies in the prosecution evidence, the absence of CCTV footage, alleged irregularities in the recovery, and previous enmity between the parties to contend that he has been falsely implicated.

19. The testimony of PW-1 forms the foundation of the prosecution case. PW-1 has consistently stated that on 19.08.2022, the appellant intercepted him, threatened him with a knife, robbed him of his mobile phone and cash amounting to ₹1,200/-, and attempted to flee. He further deposed that he immediately raised an alarm, following which the appellant was apprehended at a short distance from the place of occurrence. The witness was subjected to detailed cross-examination, however, nothing has emerged which would discredit his testimony on the material aspects of the prosecution case. His version regarding the occurrence has remained substantially consistent throughout.

20. Learned counsel for the appellant has drawn attention to certain discrepancies in the testimony of PW-1, particularly with regard to the



presence of public persons and auto drivers at the spot and the failure of the investigating agency to join any independent witness. In the opinion of this Court, these aspects do not strike at the root of the prosecution case. The essential features of the prosecution version, namely, that the robbery was committed at knife point, that the appellant was apprehended immediately thereafter, and that the robbed articles were recovered from his possession, have remained consistent.

21. The challenge to the testimony of PW-2 on the ground that he is the nephew of the complainant also does not merit acceptance. PW-2 explained his presence at the spot by stating that he was running a tea stall nearby at Shadipur and reached there after hearing the alarm raised by PW-1. His presence, therefore, cannot be said to be unnatural. Merely because a witness is related to the complainant is not, by itself, a ground to discard his testimony. The evidence of such a witness has to be tested on its own merits. The learned Trial Court has examined the testimony of PW-2 in detail and has found it to be reliable.

22. The prosecution case also receives corroboration from the recovery of the robbed mobile phone, cash amounting to ₹1,200/- and the knife from the possession of the appellant soon after the incident. The evidence of PW-1, PW-3, PW-6 and PW-7 is broadly consistent on this aspect. The discrepancies pointed out by the appellant relate only to the manner in which certain procedural steps were carried out and do not cast any serious doubt on the factum of recovery itself.

23. Considerable emphasis has also been placed on the fact that no independent public witness was joined during the investigation. The record shows that although public persons had gathered at the spot, none was examined during trial. However, it is equally well settled that the



prosecution case cannot be rejected on this ground alone if the evidence otherwise inspires confidence. The Supreme Court in *Appabhai v. State of Gujarat*, AIR 1988 SC 696, noticed that members of the public are often reluctant to become witnesses in criminal proceedings. In the present case, the testimonies of the prosecution witnesses have been found to be consistent and reliable, and the mere absence of an independent witness does not create any dent in the prosecution case.

24. The appellant has also sought to contend that the present case is a counterblast to FIR No. 559/2021, which had earlier been registered at his instance. This plea was examined by the learned Trial Court after considering the evidence led by the defense, including the testimonies of DW-1 and DW-2. The learned Trial Court found that apart from making a vague assertion of previous enmity, no material was brought on record to establish that the complainant had falsely implicated the appellant on account of the earlier FIR. Having considered the defense evidence, this Court finds no reason to differ from the said conclusion.

25. Another contention advanced on behalf of the appellant relates to the non-collection of CCTV footage from the place of occurrence. The mere absence of CCTV footage cannot, however, be treated as fatal where the prosecution has otherwise led cogent ocular evidence which stands corroborated by the recovery effected immediately after the occurrence. Likewise, the minor inconsistencies pointed out in the testimonies of the prosecution witnesses are of the nature that ordinarily arise in the narration of events by different witnesses and do not affect the core of the prosecution case.

26. This Court has also considered the order on sentence dated 03.01.2026. Since the appellant has been convicted for the offence



punishable under Section 392 read with Section 397 IPC, it would be appropriate to notice the relevant provision. Sections 392 and 397 IPC read as under:

“392. Punishment for robbery.—

Whoever commits robbery shall be punished with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine; and, if the robbery be committed on the highway between sunset and sunrise, the imprisonment may be extended to fourteen years.

397. Robbery, or dacoity, with attempt to cause death or grievous hurt.—

If, at the time of committing robbery or dacoity, the offender uses any deadly weapon, or causes grievous hurt to any person, or attempts to cause death or grievous hurt to any person, the imprisonment with which such offender shall be punished shall not be less than seven years.”

27. A perusal of the order on sentence shows that the learned Trial Court has taken into account both the mitigating and aggravating circumstances before determining the sentence. The mitigating factors, including the appellant's family circumstances, were duly noticed. At the same time, the learned Trial Court also considered the nature of the offence, the use of a knife during the commission of the robbery and the appellant's previous criminal antecedents, including the fact that the present offence was committed while he was on bail in another case of a similar nature. Keeping these factors in view, the learned Trial Court imposed a sentence of rigorous imprisonment for ten years.

28. Section 397 IPC prescribes a minimum sentence of seven years where, at the time of committing robbery or dacoity, the offender uses a deadly weapon or causes or attempts to cause death or grievous hurt. Thus, while the provision mandates a minimum sentence, the Court retains



discretion to impose an appropriate sentence above the statutory minimum depending upon the facts and circumstances of each case.

29. In the present case, the conviction of the appellant under Section 392 read with Section 397 IPC does not call for any interference. At the same time, having considered the nature of the occurrence, the value of the property involved, the fact that no physical injury was caused to the complainant, and the overall facts and circumstances of the case, this Court is of the opinion that the sentence awarded by the learned Trial Court deserves to be modified. Though the appellant has criminal antecedents, the ends of justice would be adequately met if the sentence is reduced to the statutory minimum prescribed under Section 397 IPC *i.e.* seven years.

CONCLUSION:

33. For the reasons recorded above, this Court finds no infirmity in the judgment of conviction dated 15.12.2025 passed by the learned Trial Court. The conviction of the appellant for the offence punishable under Section 392 read with Section 397 IPC is accordingly affirmed.

34. However, the appeal deserves to be allowed to a limited extent on the question of sentence. The order on sentence dated 03.01.2026 is modified only to the extent that the sentence of rigorous imprisonment awarded to the appellant is reduced from ten years to seven years, which is the minimum sentence prescribed under Section 397 IPC. The sentence of fine of ₹10,000/, the default sentence, and all other directions contained in the order on sentence shall remain unaltered.

35. The appeal is accordingly partly allowed in the above terms. Pending application(s), if any, also stand disposed of.



2026:DHC:6079



36. Let a copy of this judgment be communicated to the concerned jail authorities for necessary compliance and information.

(MADHU JAIN)
JUDGE

JULY 30, 2026/P