



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

% Date of Decision: 12.11.2025

+ **CRL.A.1189/2024**

PARMOD @ BIHARIAppellant
Through: Mr. Zeeshan Diwan, Advocate
(DHCLSC) with Mr. Harsha,
Advocate.

Versus

STATE GOVT. OF NCT OF DELHIRespondent
Through: Ms. Shubhi Gupta, APP for State with
SI Chetan P.S. Paschim Vihar West.

**CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

JUDGMENT (ORAL)

1. The appellant came to be tried and convicted in the context of FIR No. 1453/2020 registered under Section 379 IPC at P.S. Paschim Vihar (West). He was sentenced to undergo RI for a period of 5 years along with a fine of Rs.10,000/-, in default whereof he would undergo SI for 3 months, for the offence under Section 394/34 read with Section 397 IPC.
2. The investigation began with the registration of the aforesaid FIR, wherein it was alleged that on 06.12.2020 at about 07:30 AM at Railway Lines, Nangloi, the appellant had robbed one *Vinod Kumar* of Rs.500/- in cash and a mobile phone of the make OPPO A12. The appellant further caused injuries to the complainant with a brick, and also pointed a knife and injured the complainant on his palm. During investigation, the appellant



came to be arrested in connection with another FIR, was found to be in possession of the complainant's mobile phone, and disclosed his involvement in the present case.

3. On the chargesheet being filed, charges came to be framed under Sections 392/394/397/411 IPC, to which the appellant pleaded not guilty and claimed trial.

4. Mr. Diwan, learned counsel for the appellant, contends that the testimony of the complainant/*Vinod Kumar* does not inspire confidence, as the same is contradictory to the history noted, as given by him, at the time of his medical examination. He further assails the appellant's conviction under Sections 394/397 IPC, as the injuries sustained by the complainant, as recorded in the MLCs, do not correspond to the version narrated by him. Lastly, it is submitted that the appellant has already undergone 5 years of sentence and has also paid the amount of fine imposed upon him.

5. The learned APP for the State, on the other hand, has opposed the appellant's contentions and submits that the narration of events by the complainant is clear and categorical on the use of the weapon. Further, the appellant was found in possession of a knife at the time of his arrest, as well as the mobile phone belonging to the complainant, which was identified by him.

6. I have heard learned counsel for the parties and perused the record.

7. The incident statedly occurred on 06.12.2020, and the complainant was medically examined on the very same day at Sanjay Gandhi Memorial Hospital (SGMH). The history given was of "*trauma on the LT hand by hit to heavy object by self*". The medical examination further records that the complainant had expressed his intent not to file a police case. He was again



examined the next day, i.e., on 07.12.2020, at SGMH, wherein further medication was provided. Even at that time, no history of assault was noted. Again, on 09.12.2020, the complainant was brought by Ct. *Suresh* for his third medical examination, and the same was carried out, and again no history of assault was given. Rather, on examination, old abrasions were noted on various parts of the body.

8. In none of the aforementioned medical examinations was any use of a sharp-edged weapon/knife or any incised or lacerated wound noted. Rather, the first MLC records the history of “*trauma on the LT hand by hit to heavy object by self*”.

9. It has come on record that at the time of his arrest in another FIR, i.e., FIR No. 871/2020 registered at P.S. Raj Park, he was found in possession of a knife. The appellant’s disclosure led to the recovery of the mobile phone which had been robbed in the present case, belonging to the complainant. Though the mobile phone was put to the complainant at the time of his examination and was identified by him, strangely, the knife allegedly used in the incident was never put to the complainant. There is also no opinion as to whether the injuries noted in the three MLCs were caused by the said knife. The version given by the complainant in his deposition is in complete contrast with the mode and manner in which the injuries were suffered, as noted in the three medical examinations.

10. In view of the aforesaid, this Court finds that the testimony of the complainant does not inspire confidence, and the appellant’s conviction under Sections 394/397 IPC is set aside. However, the mobile phone having been found in the possession of the appellant and identified by the complainant, he is held guilty of the offence under Section 411 IPC. The



2025:DHC:10124



maximum punishment prescribed under Section 411 IPC is imprisonment of either description for a term which may extend to three years, or with fine, or with both. Considering that the appellant has already undergone the entire substantive sentence of 5 years RI imposed upon him by the Trial Court in the present case, as well as paid the fine of Rs.10,000/-, no further sentence is being imposed upon him under Section 411 IPC.

11. The present appeal is partly allowed in the above terms.
12. A copy of this order be communicated to the Trial Court as well as the concerned Jail Superintendent.

MANOJ KUMAR OHRI
(JUDGE)

NOVEMBER 12, 2025/nb