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Sanjay Thapa vs.state

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Court : Delhi

Decided On : Jun-01-2017

Appellant : Sanjay Thapa

Respondent : State

Judgement :

$~2 * IN THE HIGH COURT OF DELHI AT NEW DELHI + DECIDED ON : JUNE01 2017 CRL.A.516/2015 SANJAY THAPA .....

... Petitioner
Through : Mr.Ankur Sood with Ms.Romila Mandal, Advocates. STATE versus ..... Respondent CORAM: HON'BLE MR. JUSTICE S.P.GARG Through : Mr.G.M.Farooqui, APP. S.P.GARG, J.

(ORAL) 1. The instant appeal has been preferred by the appellant Sanjay Thapa to impugn a judgment 18.10.2014 of learned Additional Sessions Judge in Sessions Case No.
arising out of FIR No.
PS New Delhi Railway Station whereby he along with his associates was convicted under Section 392 read with Section 397 and 411 IPC. By an order dated 18.10.2014, he was awarded Rigorous Imprisonment for seven years under Sections
IPC with fine `5000/- and Rigorous Imprisonment for two years under Section 411 IPC. Both the sentences were to operate concurrently. Crl.A.516/2015 Page 1 of 3

2. Allegations against the appellant and his associates were that on 28.01.2010 at about 2.00 a.m. (night) on a running train, they committed robbery of various articles belonging to Sukhdeep Singh and his family members travelling in coach No.D-I of Himalayan Queen Express at the point of knives.

3. It is relevant to note that Crl.A.No.1713/2014 filed by co- convict Deepak was disposed of by a judgment dated 12.2.2016 by this Court. The appellant therein was found guilty under Section 392 read with Section 397 IPC. The sentence order was modified to the extent that default sentence for non-payment of fine of `5000/- would be Simple Imprisonment for one month instead of two months. Other terms and conditions of the sentence order were left undisturbed.

4. On perusal of the statements of the material witnesses/victim(s) it stands established that the appellant and his associates were armed with deadly weapons and had robbed them by putting them in fear. The police was able to recover knives from two co-convicts during investigation. PW-1 (Sukhdeep Singh), the complainant and victim, specifically deposed that all the assailants including the appellant were armed with knives and they used deadly weapons to commit robbery. In the cross-examination, no suggestion was put to the witness if the appellant was not armed with any such weapon. Similar are the statements of of PW-2 (Ranjeet Kaur), PW-3 (Baljeet Kaur), PW-5 (Manjeet Kaur), PW-6 (Simran Kaur), PW-8 (Raman Mehta) and PW- 10 (Pawan Kumar). These are no sound reasons to disbelieve their statements. They did not nurture any grievance against the appellant to falsely implicate him in the crime. The appellant and his associates were Crl.A.516/2015 Page 2 of 3 duly identified by them in the court. Certain robbed articles were also recovered from the appellants possession.

5. Nominal roll dated 29.5.2017 reveals that the appellant had already served out the sentence awarded to him. It reflects that the appellant had undergone six years, six months and seventeen days incarceration besides remission for five months and thirteen days as on 18.08.2016. It further records that on 18.08.2016 the appellant has since been released on completion of sentence. The fine imposed has already been paid by him vide receipt No.7073/2017 dated 17.8.2016 in Jail. Learned counsel for the appellant informs that after the release, the

appellant has not contacted him to pursue the appeal. It has accordingly become infructuous.

6. Considering the facts and circumstances of the appeal, I find no merit in the present appeal. It is accordingly dismissed.

7. Trial Court record along with the copy of the order be sent back forthwith. Intimation be also sent to the Superintendent Jail. (S.P.GARG) JUDGE JUNE01 2017 sa Crl.A.516/2015 Page 3 of 3

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