

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

Date of Reserve: 18th November, 2010

Date of Order: 22nd November, 2010

+ W.P.(Crl.) No. 745/2010

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22.11.2010

Ram Avtar Saini

... Petitioner

Through: Mr. P.K.Bhardwaj, Mr. N.K.Sharma &
Mr. Amit Kumar, Advocates

Versus

The State (NCT of Delhi)

... Respondent

Through: Ms. Meera Bhatia, ASC for the State
With Mr. Roshan Kumar, IO

JUSTICE SHIV NARAYAN DHINGRA

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| 1. Whether reporters of local papers may be allowed to see the judgment? | Yes. |
| 2. To be referred to the reporter or not? | Yes. |
| 3. Whether judgment should be reported in Digest? | Yes. |

JUDGMENT

By the present petition, petitioner has assailed an order dated 24th January, 2008 whereby the learned MM convicted the petitioner on his plea of guilt and sentenced the petitioner to the imprisonment already undergone by him and fine which had already been paid by the petitioner as compensation to the complainant after settling the matter with the complainant. This order was passed in January, 2008 and the present petition has been made in May, 2010 after about two years of passing of order. The order is assailed on the ground that the trial Court did not follow the procedure as laid down under Section 265A to 265E of Cr.P.C. (procedure prescribed for plea bargaining) and the order was therefore bad in law and the sentence awarded was bad in law.

2. The contention of the petitioner is devoid of merits. The petitioner had not made an application for plea bargaining, rather after facing trial for about 16-17 years, the petitioner compromised with the complainant bank and paid back the amount of which the complainant bank was deprived of and pleaded guilty, knowing fully well that the petitioner was going to be let off on the imprisonment already undergone. The learned MM recorded voluntarily made plea of guilt of the petitioner and announced the sentence on the same day, letting off the petitioner on imprisonment already undergone. The petitioner had no right to file an appeal therefore no appeal was preferred. The present petition made by the petitioner cannot be entertained as it would amount to entertaining an appeal against an order passed on plea of guilt. The petition is hereby dismissed.

November 22, 2010
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SHIV NARAYAN DHINGRA, J.