

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

Judgment delivered on: October 20, 2010

+ **CRIMINAL APPEAL No.832/2010 & CRL.M.(B) 984/2010**

**CHET RAM**

**....APPELLANT**

Through: Ms.Saahila Lamba, Advocate with  
appellant in judicial custody.

Versus

**THE STATE(GOVT. OF NCT OF DELHI).....RESPONDENT**

Through: Mr.Pawan Bahl, APP.

**CORAM:**

**HON'BLE MR. JUSTICE AJIT BHARIHOKE**

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

**AJIT BHARIHOKE, J.(ORAL)**

1. This is an appeal against judgment and order on sentence respectively dated 18.11.2009 and 20.11.2009 in Sessions case No.25/2004 pertaining to FIR No.308/2003 P.S. Alipur in terms of which the appellant was convicted on the charge under Section 392/34 IPC and sentence to undergo R.I. for a period of 7 years and also to pay a fine of ₹5,000/-, in default to undergo S.I. for a further period of four months.
2. The case of the prosecution in brief is that on 24.08.2003 at around 4.00 a.m. in the morning, the appellant Chet Ram along with his co-accused, namely, Chander Pal and Nav Rattan (both convicted)

robbed the complainant and his wife Babli of ₹1500/- and a pair of earrings worn by Babli besides her silver *pajeb* and silver pendent kept in an almirah and in the process of robbery Chander Pal and Nav Rattan threatened Rakesh Kumar with country made pistols.

3. Ms.Saahila Lamba, Advocate, appearing on behalf of the appellant, on the instructions of appellant, who is present in court, submits that the appellant admits his guilt and he does not press his appeal so far as merits of the case are concerned. However, she has vehemently argued for reduction of sentence of the appellant. Learned counsel submits that the appellant is a young man who realizes his mistake and he deserves at least one chance to integrate himself as a useful member of the society. Learned counsel further submitted that the appellant has an aged mother to support, who is dependent upon him for subsistence.
4. Learned APP, on the contrary, has opposed the plea for reduction of sentence and submitted that looking into the gravity of offence committed by the appellant, sentence of 7 years imprisonment awarded to him is reasonable.
5. The appellant is a young man aged 25 years and he has his aged mother to support. As per the nominal roll dated 21.06.2010, the appellant has already undergone incarceration for a period of approximately 6 years and 3 months actual and besides that, he has earned remission for a period of 2 months and 15 days. During the period of his confinement in jail, the appellant has never been

released on parole/interim bail and his conduct in jail is reported to be satisfactory.

6. Taking into account that the appellant appears to have realised his mistake and that he has undergone incarceration for a substantial period of sentence awarded to him, I am of the opinion that the appellant deserves atleast one chance to mend his ways and become a useful member of the society. Accordingly, taking into account the gravity of offence committed by the appellant, while maintaining the fine, sentence of imprisonment awarded to the appellant is reduced from 7 years R.I. to 6 years R.I.
7. The appeal is disposed of accordingly. The pending application also stands disposed of.
8. A copy of the order be sent to the Jail Superintendent concerned immediately.

**(AJIT BHARIHOKE)**  
**JUDGE**

**OCTOBER 20, 2010**

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