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

+ **CRL. Appeal No.959/2011**

% Judgment delivered on:20th October, 2011

RAM KUMAR

..... Appellant
Through : Mr.S. Lamba, Adv.

versus

STATE

..... Respondent
Through : Ms.Fizani Hussain, APP
with SI Iccha Ram, New Friends
Colony.

CORAM:
HON'BLE MR. JUSTICE SURESH KAIT

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

SURESH KAIT, J. (Oral)

1. Vide the impugned Judgment dated 08.10.2010, the Petitioner was held guilty U/s 392 IPC, whereas he was acquitted U/s 397/395 IPC.

2. Vide order on sentence dated 18.10.2010, he was directed to undergo RI for 5 years and to pay a fine of

Rs.2,000/- each u/s 392/34IPC

3. Ld. Amicus Curiae for appellant submits that appellant has already undergone RI for 03 years and 07 months and the same is evident from the nominal roll dated 04.07.2011 as the total period as on date is 3 years 3 months and 16 days and total remission earned is 2 months and 5 days. Therefore, he has completed total 3 years 8 months and more than 21 days.

4. Further submits that she is not disputing the conviction order dated 08.10.2010. Only she is praying that the order of sentence dated 18.10.2010 be modified to the extent already undergone.

5. The total sentence in the said case is 5 years and the appellant has already undergone more than 3 years 8 months and throughout he was remained in jail.

6. In these circumstances, the substantive justice would be, if I accept the request of the Ld. Counsel of the Appellant.

7. Therefore, in the interest of justice, while maintaining

the conviction, I modify the order of sentence dated 18.10.2010 to the extent already undergone.

8. Jail authorities are directed to release the appellant forthwith.

9. Copy of this order be sent to the jail authorities for compliance.

10. *Dasti.*

11. Crl. A. 959/2011 allowed as modified.

12. In view of the appeal having been disposed of, Crl. M.B. No.1357/2011 become infructuous & is dismissed as infructuous.

SURESH KAIT, J

October 20th 2011

JG