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

4.
\+ CRL.A. 1369/2010

MALKIAT SINGH ..... Appellant
Through Mr. Sumer Kumar Sethi, Advocate. (DHCLSC)

versus

STATE GOVT. OF NCT OF DELHI ..... Respondent
Through Mr. Manoj Ohri, APP for State.

AND

5.
\+ CRL.A. 18/2011

NAND KISHORE @ SANJAY ..... Appellant
Through Mr. Sumer Kumar Sethi, Advocate (DHCLSC)

versus

STATE ..... Respondent
Through Mr. Manoj Ohri, APP for State.

CORAM:
HON'BLE MR. JUSTICE MANMOHAN

ORDER
% **17.10.2012**

CRL.M.A. 12303/2012 IN CRL.A. 1369/2010
CRL.M.A 12294/2012 IN CRL.A. 18/2011

Present two applications have been filed for release of the applicants/ appellants on the sentence already undergone by them.

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By:AMULYA

Upon instructions of the appellants produced today in Court from jail, Mr. Sumer Kumar Sethi, learned counsel for the applicants/appellants states that he is not pressing the appeals on merits. For waiver of remaining period of sentence, Mr. Sethi has drawn this Court's attention to the order dated 31st May, 2012 passed by this Court in Crl.M.A. 5726/2012 in Crl.A. 1369/2010 in case of co-accused Mr. Charan Singh.

In the case of Charan Singh, while maintaining the conviction order, this Court had modified the sentencing order to the extent that he was sentenced to the period already undergone.

In pursuance to the last order, Superintendent, Tihar Jail, Delhi has filed the nominal rolls of both the applicants/appellants. A perusal of the same reveals that the appellants/applicants have already been in custody for more than seven years. The nominal rolls also reveal that conduct of applicants/appellants has been satisfactory and they are not involved in any other case.

Keeping in view the aforesaid as well as the fact that the applicants/appellants were 20 to 21 years of age when they had committed the crime, this Court deems it fit to sentence the applicants/ appellants to the period already undergone by them. Thus, while maintaining the order of conviction, the order on sentence is modified to the extent that applicants/appellants are sentenced to the period already undergone, provided they both do three months of social service at Old Age Home at Bindapur, New Delhi run by the Department of Social Welfare, Government of NCT of Delhi.

The applicants/appellants shall do social service for three months at the end of which they will submit to the Registry of this Court a satisfaction certificate to be issued by the concerned Superintendent of the Old Age Home, Bindapur. The concerned Superintendent shall utilise their services as per the abilities of the accused persons.

The Secretary (SW & WCD), Department of Social Welfare, Government of NCT of Delhi, GLNS Complex, Delhi Gate, New Delhi – 110 001 is directed to ensure that the aforesaid directions are complied with.

A copy of this order be sent by the Registry to the (SW & WCD), Department of Social Welfare, Government of NCT of Delhi, GLNS Complex, Delhi Gate, New Delhi – 110 001.

With the aforesaid observations and directions, present applications and appeals are disposed of. Registry is directed to send back the lower court record.

MANMOHAN, J

OCTOBER 17, 2012
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